100TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
100-485

IN THE MATTER OF REPRESENTATIVE AUSTIN J. MURPHY

REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT HOUSE OF REPRESENTATIVES

(To Accompany H. Res. 335)

DECEMBER 16, 1987.—Referred to the House Calendar and ordered to be printed

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COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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LETTER OF SUBMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, DC, December 16, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: By direction of the Committee on Standards of Official Conduct, I herewith submit the attached report, "In The Matter of Representative Austin J. Murphy."

Respectfully,

JULIAN C. DIXON,
Chairman.

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Mr. DIXON, from the Committee on Standards of Official Conduct, submitted the following

REPORT

(To Accompany H. Res. 335)

I. PROCEDURAL HISTORY

On June 23, 1987, the Committee on Standards of Official Conduct voted to undertake a Preliminary Inquiry into allegations that Representative Austin J. Murphy "may have permitted votes to be cast in his name at times when he was not present in the House of Representatives, failed to fully disclose holdings under the Ethics in Government Act, favorably treated, or accepted favors or benefits from, certain individuals, and improperly used official staff." See Appendix A.

Upon completion of the Preliminary Inquiry, the Committee agreed to and served a Statement of Alleged Violations on Representative Murphy. The Statement, included as Appendix B, consisted of six counts. In sum, the Statement of Alleged Violations charged that Representative Murphy permitted another person to cast his vote on the floor of the House on July 14, 1978, August 9, 1978, and May 27, 1982 (Counts One, Two and Three); that he permitted official resources to be diverted from his congressional district office in Charleroi, Pennsylvania, to his former law firm (Count Four); that in leasing his district office from his former law partner and his partner's wife, he permitted someone with whom he had a professional or legal relationship to benefit from expenditure of official funds (Count Five); and that he retained Mr. Michael Corbett on the Education and Labor Committee, notwithstanding the fact that Mr. Corbett did not perform duties commensurate with the pay he received (Count Six).

On October 16, 1987, Representative Murphy filed, through counsel, Respondent's Objections and Answer to the Statement of Alleged Violations (Appendix C). The filing objected to Counts One and Two on the grounds that they failed to state facts which consti-

tuted violations of the Code of Official Conduct in effect at the time. Counts Three through Six were denied, with evidence offered in support of Representative Murphy's position. A Memorandum of Committee Counsel in Response to Representative Murphy's submission (Appendix D) was filed on October 20, 1987.

After consideration of both filings, the Committee voted on October 22, 1987 to hold a Disciplinary Hearing regarding Counts One, Two, Three, Four, and Six of the Statement of Alleged Violations. The Committee dismissed Count Five. The Statement of Scope and Purpose for the Disciplinary Hearing, also adopted on October 22, 1987, is included as Appendix E.

Prior to the hearing, Representative Murphy was provided with copies of evidence intended to be used against him at the hearing, together with any exculpatory information received by the Committee. The Disciplinary Hearing was held over the course of six days, beginning November 17, 1987. Evidence was received at the hearing upon which the Committee based its findings of fact. Legal arguments were also heard. The transcript of the hearing, together with related materials, will be published separately by the Committee.

After the completion of the first phase of the Disciplinary Hearing, the Committee separately considered each of the five counts in the Statement of Alleged Violations. At its meeting of December 15, 1987, the Committee denied a motion by Representative Murphy's counsel to dismiss Counts One and Two. The Committee concluded that it was a violation of House Rule VIII in 1978 for a Member to permit another person to cast his vote on the floor of the House of Representatives. The Committee then sustained Counts One, Two, Four and Six of the Statement of Alleged Violations.

Representative Murphy waived his right to phase two of the Disciplinary Hearing, during which the Committee would have considered oral and/or written submissions from respondent's counsel and counsel for the Committee as to the sanction the Committee should recommend to the House. Instead, he agreed to accept the Committee's judgment as to the appropriate sanction. The Committee thereupon voted at its December 16, 1987, meeting to adopt this Report and to recommend that the House of Representatives reprimand Representative Murphy.

II. FACTUAL AND LEGAL CONCLUSIONS

Counts one and two

Counts One and Two charged that on July 14, 1978 and August 9, 1978, at times when he was not present in the Hall of the House, Representative Murphy permitted another person to cast votes in his name on the floor of the House of Representatives, in violation of Rule VIII of the Rules of the House of Representatives as then in effect. Clause 1 of the Rule read as follows:

> Every Member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.

As noted, Representative Murphy objected to inclusion of these charges in the Statement of Alleged Violations on the ground that it was not against House Rules in 1978 for a Member to permit another to cast his vote on the floor of the House of Representatives. At the opening of the Disciplinary Hearing, counsel for Respondent Murphy renewed their earlier objection and moved to dismiss both counts. After consideration of Representative Murphy's motion, briefs filed thereon by his counsel and counsel for the Committee, and oral arguments during the hearing, the Committee denied the motion and determined that it was a violation of House Rules in 1978 for a Member to permit another to cast his vote on the floor of the House.

The Committee firmly believes that nothing is more sacred to the democratic process than each person casting his own vote. The Committee's legal conclusion in this regard is supported by parliamentary law, the United States Constitution, the wording of House Rules, and longstanding precedent established by the Speaker of the House.

The Committee also notes that with respect to an earlier investigation of voting irregularities (House Report 96-991, May 15, 1980), the focus was on who did the "ghost voting" in light of timely actions taken to disavow such votes by the Members whose votes were cast. However, in the present case, Representative Murphy did not, for over eight years, raise any objection to the fact that he was voted *in absentia*. Thus, this case can be distinguished from the 1980 report since, in the instant matter, there was no evidence or explanation indicating Representative Murphy either did not acquiesce to the ghost votes or could explain how such actions took place without his approval, either concurrently with the votes or by his subsequent ratification. Moreover, any claim that the Rule was ambiguous is overcome by the fact that the actions here involved occurred without any apparent concern about a prohibition in House Rules.

Accordingly, this Report and the earlier 1980 report should clearly stand for the proposition that ghost voting is improper and a Member's participation in such activities, either by direction or by subequent acquiescence or ratification, is a matter warranting sanction by the House.

Representative Murphy stipulated that his vote was cast at least once on each day in question when he was not present to do so. Since he did not offer any explanation for the ghost votes and since there was no evidence indicating this occurred without his approval (either concurrently or subsequently), the Committee is compelled to conclude that, in the totality of the circumstances here involved (multiple votes on more than one day), the congressman permitted the voting to occur. Again, while the evidence did not demonstrate that Representative Murphy necessarily had concurrent knowledge that the votes were cast in his name, at the least, he failed to take steps necessary to prevent unauthorized use of his voting card or to disavow the votes that were cast in his name. Accordingly, Counts One and Two of the Statement of Alleged Violations were sustained.

Count three

Count Three charged that on May 27, 1982, at times when he was not present in the Hall of the House, Representative Murphy permitted another person to cast votes in his name on the floor of the House of Representatives, in violation of House Rule VIII. The Committee concluded that the evidence offered at the hearing did not sustain the charge. Accordingly, Count Three of the Statement of Alleged Violations was dismissed.

Count four

Count Four charged that, at various times during the period of 1977 through 1986, Representative Murphy permitted official resources to be diverted from his district office in Charleroi, Pennsylvania, to the law firm of Murphy & France for the private business of the law firm, in violation of several standards of Conduct applicable to Members of the House.

Appropriations law, at 31 U.S.C. § 1301(a), states: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law." Regulations of the Committee on House Administration reiterate this requirement by providing as follows:

> The Official Expenses Allowance is provided to pay ordinary and necessary business expenses incurred by the Member (and/or the Member's employees) . . . in support of the conduct of the Member's official and representational duties to the district from when he/she was elected. (Congressional Handbook, p. 2.1.)

Paragraph 5 of the Code of Ethics for Government Service (House Concurrent Resolution 175, 72 Stat. Part 2, B 12), calls on each Government official to:

> Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

The evidence at the hearing demonstrated to the Committee that violations of the above standards did occur. In fact, Representative Murphy acknowledged use of congressional resources by the law firm, but either disclaimed his knowledge or approval of such activity, or asserted that such instances were *de minimis*.

While precise quantification of the value of diverted resources is not possible, it is, nevertheless, clear that over a nine-year period, the law firm of Murphy & France had access to and made use of goods and services intended solely for governmental business. In the Committee's judgment, a Member must be held responsible to the House for assuring that resources provided in support of his official duties are applied to the proper purposes. Accordingly, the Committee sustained Count Four of the Statement of Alleged Violations.

Count six

Count Six charged that from September, 1981, to July, 1982, Representative Murphy retained Michael Corbett on the Subcommittee on Select Education, Committee on Education and Labor, notwithstanding the fact that Mr. Corbett did not perform duties commensurate with the compensation he received. Such action is contrary to clause 8 of the Code of Official Conduct, Rule XLII of the House of Representatives.

Evidence offered at the hearing established that during the period in question, Mr. Corbett was hired and paid to be Staff Director of the Subcommittee on Select Education, chaired by Representative Murphy. The Committee found that he performed his duties conscientiously early in his tenure. After a few months, however, his attendance deteriorated, until there came a point when he was not performing the duties of his position. The nature of his responsibilities and the circumstances of Mr. Corbett's absences, lead the Committee to conclude that Representative Murphy knew of Mr. Corbett's absence and must be held responsible. Accordingly, Count Six of the Statement of Alleged Violations was sustained.

III. RECOMMENDATION

The Committee believes that a recommendation of the sanction of reprimand is appropriate for the violations found to have occurred.

The Committee's Rules of Procedures state that reprimand is appropriate for serious violations. In this regard, the Committee takes note that the voting offenses occurred a number of years ago, and that while Representative Murphy did not meet his responsibility to protect official resources or act responsibly *vis* Mr. Corbett, the offenses were not committed to secure a financial benefit.

The adoption of this report shall constitute a reprimand. Accordingly, the Committee recommends that the House adopt a Resolution in the following form:

HOUSE RESOLUTION

> *Resolved,* That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated December 16, 1987, in the matter of Representative Austin J. Murphy of Pennsylvania.

This report was approved by the Committee on Standards of Official Conduct on December 16, 1987, by a vote of 11 ayes; 0 nays.

STATEMENT UNDER RULE XI, CLAUSE 2(l)(3)(A)

The Committee's oversight findings and recommendation are as stated above. No budget statement is submitted.

ONE HUNDREDTH CONGRESS
JULIAN C. DIXON, CALIFORNIA, CHAIRMAN
VIC FAZIO, CALIFORNIA
BERNARD J. DWYER, NEW JERSEY
ALAN B. MOLLOHAN, WEST VIRGINIA
JOSEPH M. GAYDOS, PENNSYLVANIA
CHESTER G. ATKINS, MASSACHUSETTS
(202) 225-7103

APPENDIX A

FLOYD D. SPENCE, SOUTH CAROLINA
JOHN T. MYERS, INDIANA
JAMES V. HANSEN, UTAH
CHARLES PASHAYAN, JR., CALIFORNIA
THOMAS E. PETRI, WISCONSIN
LARRY E. CRAIG, IDAHO
RALPH L. LOTTER, CHIEF COUNSEL

U.S. House of Representatives
Committee on Standards of Official Conduct
Suite HT-2, U.S. Capitol
Washington, DC 20515
June 23, 1987

RESOLUTION

WHEREAS, the Committee on Standards of Official Conduct has been presented with information suggesting that Representative Austin Murphy may have permitted votes to be cast in his name at times when he was not present in the House of Representatives, failed to fully disclose holdings under the Ethics in Government Act, favorably treated, or accepted favors or benefits from, certain individuals, and improperly used official staff, and

WHEREAS, these allegations, if shown to be true, would constitute violations of the Code of Official Conduct or a law, rule, regulation or other standard applicable to Representative Murphy's conduct in the performance of his duties or in the discharge of his responsibilities, and

WHEREAS, pursuant to Committee Rule 13, the Committee determines that the evidence of such alleged violations merits further inquiry;

NOW, THEREFORE, BE IT RESOLVED, that this Committee conduct a Preliminary Inquiry pursuant to Committee Rule 11(a) to determine whether such violations have occurred; and

BE IT FURTHER RESOLVED, that the Chairman and Ranking Minority Member are authorized to issue subpoenas on behalf of the Committee, either for the taking of depositions or the production of records, and that all testimony taken by deposition or things produced by deposition or otherwise shall be deemed to have been taken, produced, or furnished in Executive Session; and

BE IT FURTHER RESOLVED, that Representative Murphy be immediately notified of this action and informed of his rights pursuant to the Rules of this Committee.

APPENDIX B

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

IN THE MATTER OF REPRESENTATIVE AUSTIN J. MURPHY, JR., RESPONDENT

STATEMENT OF ALLEGED VIOLATIONS

COUNT ONE

On July 14, 1978, at times when he was not present in the Hall of the House, Respondent Austin J. Murphy, Jr., permitted another person to cast votes in his name on the floor of the House of Representatives. In so doing, the Respondent violated Rule VIII of The Rules of the House of Representatives as then in effect.

COUNT TWO

On August 9, 1978, at times when he was not present in the Hall of the House, Respondent Austin J. Murphy, Jr., permitted another person to cast votes in his name on the floor of the House of Representatives. In so doing, the Respondent violated Rule VIII of The Rules of the House of Representatives as then in effect.

COUNT THREE

On May 27, 1982, at times when he was not present in the Hall of the House, Respondent Austin J. Murphy, Jr., permitted another person to cast votes in his name on the floor of the House of Representatives. In so doing, the Respondent violated Rule VIII of The Rules of the House of Representatives as then in effect.

COUNT FOUR

At various times during the period 1977 through 1986, Respondent Austin J. Murphy, Jr., permitted official resources to be diverted to the law firm of Murphy & France for the private business of the law firm, including furniture, photocopy services, supplies, and long distance telephone service, from the Respondent's congressional district office in Charleroi, Pennsylvania. In so doing:

A. The Respondent permitted appropriations to be applied to objects other than those for which the appropriations were made, in violation of 31 U.S.C. §1301(a) (or the predecessor of that statute then in effect) and Regulations and Accounting Procedures for Allowances and Expenses of Members, Committees and Employees of the U.S. House of Representatives promulgated by the Committee on House Administration (or the predecessor of those regulations then in effect).

B. The Respondent dispensed special favors or privileges to Murphy & France, in violation of Paragraph 5 of the Code of Ethics for Government Service. House Concurrent Resolution 175, 72 Stat. pt. 2 B12 (July 11, 1958).

COUNT FIVE

At various times during 1977 through 1986, Respondent Austin J. Murphy, Jr., requested that his district office in Charleroi, Pennsylvania, be in property owned by Jack and Marlene France. In so doing, individuals with whom the Respondent had a professional or legal relationship directly benefited monetarily from the expenditure of official allowances in violation of Regulations and Accounting Procedures for Allowances and Expenses of Members, Committees and Employees of the U.S. House of Representatives promulgated by the Committee on House Administration (or the predecessor of those regulations then in effect).

COUNT SIX

From September 1981 through August 1982, Respondent Austin J. Murphy, Jr., retained Michael Corbett on the Subcommittee on Select Education, Committee on Education and Labor, notwithstanding the fact that the Respondent knew that Mr. Corbett did not perform duties commensurate with the compensation he received. In so doing, the Respondent violated Paragraph 8 of the Code of Official Conduct, Rule XLIII of The Rules of the House of Representatives.

/ / /

APPENDIX C

UNITED STATE HOUSE OF REPRESENTATIVES

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

In The Matter Of The HONORABLE AUSTIN J. MURPHY

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RESPONDENT'S OBJECTIONS AND ANSWER TO
STATEMENT OF ALLEGED VIOLATIONS

Respondent, the Honorable Austin J. Murphy ("Congressman Murphy"), pursuant to Rule 12(a)(1) and (2) of the Rules of Procedure of the Committee on Standards of Official Conduct ("Committee Rules"), submits the following Objections and Answer to the Statement of Alleged Violations voted by the Committee on September 23, 1987:

Introduction

On May 7, 1987, an article appeared in The Washington Times alleging that Congressman Murphy had committed numerous violations of House rules and federal law. In total, there were a dozen or more allegations originally made. After the original article appeared, other stories were printed in various newspapers repeating the allegations and, in some case, adding others.

On the basis of the Times article, the Committee on June 23, 1987 voted to initiate a preliminary inquiry under Rule 11 of the Committee Rules. Through counsel, Congressman Murphy informed the Committee that he very much desired to cooperate with the investigation. As part of that cooperation the Congressman

offered to make available any and all of his present and former staff for interviews and to provide whatever documents the Committee desired.

Rather than proceed in this fashion, the Committee on July 1, 1987 subpoenaed records from the Congressman and sent him a letter asking 68 questions, covering the allegations that had been made in the press. On July 17, 1987, the Congressman, through his counsel, responded to the questions and provided the answers requested.

Also on July 17, Congressman Murphy requested an opportunity to appear before the Committee to answer questions and further explain his position. The Committee provided Congressman Murphy with the opportunity to appear on July 29, 1987. However, on that date, the Committee asked virtually no questions in follow up of either the newspaper articles or the responses the Congressman had provided to the Committee's written questions.

Instead, starting on August 13, 1987, the Committee's staff subpoenaed the testimony and documents of a dozen or more people. The Committee chose this course even though the Congressman and his staff repeatedly told the Committee that they were willing to appear and provide information without any subpoena.

After hearing the testimony and without providing Congressman Murphy any additional opportunity to answer Committee or staff questions, the Committee on September 23, 1987 notified the Congressman that it had voted to issue a Statement of Alleged Violations in his action.

Through the procedures utilized, the Committee has heard the testimony of at least ten witnesses and has been given hundreds if not thousands pages of documents. Through the process of answering questions and providing information, the Congressman has been able to satisfactorily answer many of the allegations. What had been a story-full of allegations has now boiled down to six individual charges.

The Congressman is grateful that many of the unfounded allegations have been resolved without charge and that he now has the opportunity to answer the six specific issues raised.

Objections and Answer

Counts One and Two

Congressman Murphy objects to Counts One and Two of the Statement of Alleged Violations on the grounds that they fail to state facts which constitute a violation of the Code of Official Conduct or other applicable law. See Committee Rule 12(1)(2).

Counts One and Two charge that on July 14 and August 9, 1987, respectively, the Congressman allowed his vote to be cast by another person. As pointed out by Congressman Murphy before,[1] the conduct alleged was not prohibited by the House in 1978.

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[1] On July 17, 1987 Congressman Murphy responded to the Committee's July 1 letter. That response specifically raised the fact that "proxy" voting was not prohibited by the House until January 1981. Neither at Congressman Murphy's appearance before the Committee nor in any subsequent conversation or correspondence has the Committee or its counsel responded to this assertion. Now it has included this same flawed charge in the Statement of Alleged Violations.

Congressman Murphy does not admit that in 1978 or at any occasion he allowed someone to use his voting card. However, as to Counts One and Two, this is not the issue. The issue is whether the Committee may lawfully charge a Member with the offenses of "proxy" voting prior to 1981. It is clear from House precedent that it cannot.

A dispute about proxy or ghost voting arose in the House in 1979. While Congressman Morgan Murphy was in Chicago conducting public hearings and while Congressman Tennyson Guyer was in Ohio, their votes were cast for them on roll call votes in the House. The Standards Committee conducted an investigation concluding, among other things, that (1) there was no scientific proof as to how the votes had been cast, (2) more than statistical proof was required by the rules in order to prove a violation, (3) House rules were "ambiguous" and "not sufficiently specific" as to whether proxy voting was prohibited, (4) a clear rule was required before a violation could be enforced, and (5) a better means (i.e., television cameras focused on voting machines) was required to prove violations. Study and Analysis Of The Voting Anomalies In The House Representatives On May 14 and July 30, 1979, H.R.Rep. No. 991, 96th Cong., 2d Sess. (May 15, 1980). The full House accepted the Committee's report and approved some of the recommendations. On January 5, 1981 the House changed its rule to make clear that proxy or substitute voting in the House was prohibited. H.R. Rule VIII ¶3; H.R. 5, 97th Cong., 1st Sess.

(Jan. 5, 1981). It was on that date, January 5, 1981, that a member became subject to discipline for violating the rule.

A long standing rule of the House is that a member may not be disciplined for conduct that was not a violation at the time it was allegedly committed. "No investigation shall be undertaken by the committee of any alleged violation of a law, rule, regulation, or standard of conduct not in effect at the time of the alleged violation." H.R.Rule X, cl.4(e)(2)(C), Constitution, Jefferson's Manual and Rules of the House of Representatives §698, H.R.Doc. No. 277, 98th Cong., 2d Sess. 399 (1985).

The legislative history of this rule reinforces that it was intended specifically to prevent ex post facto ethical rules and the unfairness arising from enforcement of standards not in effect at the time of the conduct in question. 114 Cong.Rec. 8779, 8780 (1968) (remarks of Rep. Price) ("I do not think the committee should go back into charges of violations of a law that was not in existence prior to the passage of this resolution"). While the Committee has determined that the rule does not act as a statute of limitations which bars investigation of conduct which occurred prior to adoption of the Code of Official Conduct but which violated generally accepted and recognized ethical mores, In the Matter of a Complaint Against Representative Robert L.F. Sikes, H.R.Rep. No. 1364, 94th Cong., 2d Sess. 6-7 (1976), the Morgan Murphy precedent makes clear that specific conduct not prohibited at the time can never be the subject of House

disciplinary action. This result also is consistent with the prohibition against ex post facto laws in constitutional law.

The most important point is simply this: the Committee cannot ask Congressman Murphy to answer a charge based on conduct which the Committee itself recognized was not prohibited by the then-existing rules. The warning provided by the Committee and the House began on January 5, 1981. The charges here are for events three years earlier. The Committee does not have authority to pursue these two counts.

Accordingly, Counts One and Two must be dismissed.

Count Three

Count Three charges that on May 27, 1982 Congressman Murphy allowed his vote to be cast by someone else. The Congressman denies this allegation.

As the Committee is now aware, during the period of May 20th to June 8th Congressman Murphy was moving his sailboat from Florida to the vicinity of Annapolis, Maryland. On occasion, he was with the boat, and on occasion he was not. On the latter occasion, he either drove or flew back to Washington to attend House business.

Specifically, here are the events that occurred on May 27-28, 1982. On Thursday, May 27, 1982, the Congressman voted seven times and missed nine votes. Congressman Murphy missed the first vote on the Journal at 10:15 a.m., roll call # 115. He then voted in the next five roll calls, ## 116 through 120, between 12:00 noon and 4:40 p.m. Congressman Murphy missed the next six

roll calls in a row, ## 121 through 126, between 5:30 p.m. and 10:10 p.m. The Congressman made the next two roll calls, ## 127 and 128 at 11:10 p.m. and 12:00 midnight. Congressman Murphy missed the last two roll calls of the day, ## 129 and 130, at 12:40 a.m. and 1:20 a.m. of the 28th. Most of the votes he missed on May 27, 1982 were caused because, in the late afternoon, he went to Rosehaven in Maryland to inspect facilities in order to make arrangements to lease a slip for his sailboat which was due to arrive in several days. The trip to Rosehaven and back took several hours. He missed votes on that day, accordingly. The Congressional Record demonstrates that the Congressman voted on two times after he arrived back from Rosehaven.

Before the House concluded its business that day, Congressman Murphy travelled by car to Hilton Head in South Carolina. This caused him to miss the last two votes of the day (really the next day since the votes were after midnight). The Congressman arrived at Hilton Head approximately 11:00 a.m., where he went to the Harbour Town Grill Restaurant for something to eat. The Congressman paid for the meal with his American Express card and then left to go to the house of a friend, Lou Ruscitto, where the Congressman stayed.

The Committee's belief that the Congressman allowed a vote of his card on Thursday, May 27, arises at least in part from the fact that the American Express receipt for the Harbour Town Grill Restaurant is dated May 27, 1982. The Committee staff, quite

naturally, inferred that the Congressman could not be at Hilton Head and in Washington at the same time. They are right. However, what the Committee staff did not check was the fact that someone in the restaurant, as occurred from time to time, forgot to move the day wheel on the credit card imprint machine to the next day. Consequently, the Congressman's receipt was imprinted with May 27 instead of May 28.

One need only look at the credit card receipts that he or she receives over time and see that this failure to change a date occurs fairly often. In addition, as the attached affidavit indicates, Clarence Lupton, the owner and operator of the restaurant has stated that this omission occurs frequently at the restaurant. Exhibit 5.

If the Committee desires, Mr. Ruscitto, whose house Congressman Murphy used at Hilton Head is available to testify that Congressman Murphy arrived on Fridyay, May 28. The Committee also will note that Congressman Murphy disclosed the hospitality extended to him on his 1982 financial disclosure form.

In addition, it simply would not make any sense for any Member to arrange for someone to vote with his card for only part of a day. If he left his card with someone else who promised to vote for him, that person would have voted it on every vote. There would be no reason to leave out some votes because the very purpose of having left the card, for example to protect a good voting record, would be obviated. In addition, if one looks at

the votes cast that day, there is no special significance to those for which Congressman's vote was recorded and those not. Again, if there was such a difference, some reason to make some votes but not all votes, the charge might be supportable. In this vein, it is interesting to note that the anonymous staff person who has spoken with Committee and has also talked with the press stated that the reason the Congressman had someone vote for him was to "protect his attendance record when he was visiting the district or sailing his boat along the Atlantic Coast." Pittsburgh Post Gazzette, Oct. 9, 1987, p.1, col.1. The plain fact is that the Congressman missed six votes on May 27, so that alleged reason does not make sense.

Count Four

Count Four alleges that at various times during the period 1977 through 1986, Congressman Murphy "...permitted official resources to be diverted to the law firm of Murphy & France for the private business of the law firm, including furniture, photocopy services, supplies, and long distance telephone service ..." Congressman Murphy denies this allegation.

In November 1976, Mr. Murphy was elected to Congress. He utilized space, telephone, supplies, and photocopying services belonging to the law firm of Murphy and France almost immediately in responding to constituent demands. Until the time that Congressman Murphy had authority pursuant to his being seated and sworn in January 1977, to order and procure his own space, telephones, office equipment, and office supplies, he relied on

the resources of his former law partner. This, combined with the long-waiting period in receiving items from the General Services Administration (GSA) and other vendors, placed a burden on the resources of the law firm well into 1977. See Deposition of Jack France ("France Deposition") at 18, 19.

At the beginning of his first term, Congressman Murphy leased office space in 308 Fallowfield Avenue. Initially, the congressional office shared a common waiting area and reception room. An additional office was also part of the original lease agreement. Congressman Murphy and his staff on occasion utilized office space on the second floor of the law office, including a conference room for large meetings on an "as needed" basis. See Deposition of Frederick P. McLuckie, Jr. ("McLuckie Deposition") at 52; See Deposition of Florentine Garcia ("Garcia Deposition") at 12; See Deposition of Richard Roberts ("Roberts Deposition") at 11. Office furniture was ordered to accommodate only congressional office needs.

Only through newspaper accounts did Congressman Murphy learn that six waiting room type chairs and one desk remained in the law office side of the building after the complete move of his office to 306 Fallowfield Avenue in 1980. Had the person who complained to the press brought this to Congressman Murphy's or Mr. France's attention the matter could have been resolved. Instead he or she let it stand to make this an issue. Mr. France's waiting area continues to be used as an overflow waiting area for the congressional office. A desk belonging to

the congressional office was apparently left behind in the transfer of furniture and has since been removed. Since some GSA inventory was difficult to obtain, and GSA is extremely slow in filling orders, some items of furniture were stored in the basement or storage areas of the congressional office and law office for future use. At no time did Congressman Murphy suggest, instruct, or authorize any member of his staff to accommodate the law office with furniture. See Deposition of Andrew Juracko ("Juracko Deposition") at 25, 37. As the attached GSA inventory sheet indicates, Exhibit 1, the value of the furniture involved in any inadvertent unofficial use was insubstantial. Together with the lack of any intent to violate the rules, this kind of de minimus use should not be deemed to violate House rules or standards of conduct.

With respect to office supplies which were routinely requisitioned from the Washington, D.C. office by various district offices, Congressman Murphy has never suggested, instructed, or authorized any member of his staff to allow the law firm to receive any supplies purchased through the official expense allowance. Even when the two offices shared the same building at 308 Fallowfield Avenue, supplies belonging to each office were kept in separate locations. The Committee has received testimony from several staff that on occasion a few small items, such as pens or pads, may have been borrowed or traded back and forth when the need arose, but there was no specific intent to supplement the law office with supplies. See

Deposition of Karen Mollenauer ("Mollenauer Deposition") at 47. The Committee has received hundreds of checks and invoices from Mr. France documenting the overhead costs of his law firm with reference to office supplies. These checks, copies of which already were produced to the Committee, are attached as Exhibit 2. Given the small size of the France law firm, and the essentially localized nature of its practices, the copying expenses represent a significant expenditure ($1700) from which an inference could be drawn that any use of the government machine by the law firm was minimal.

Several present and former Murphy staff have offered testimony with regard to the placement and use of government telephone lines in the Charleroi District office. Although no one's ten-year recollection of telephone configuration can be deemed absolutely accurate, the fact that both the congressional office and law office occupied space in the same building necessitated that congressional phone lines be placed in offices (rooms) that were sometimes used by the Congressman, his staff, and at other times by law office personnel. At no time did Congressman Murphy suggest, instruct, or authorize Mr. France or his staff to utilize official phone service or equipment for law office or personal use. Mr. France has provided the Committee with records documenting his overhead costs relating to [long distance] phone service. The amounts reflected in these long distance phone bills indicate that Mr. France was <u>not</u> using any government lines.

All phone lines were transferred from 308 Fallowfield Avenue to 306 Fallowfield Avenue by the end of 1980. The FTS line remained in the law office only for a brief period of time, and only for those occasions the Congressman utilized that office space. Congressman Murphy already provided the Committee on July 17 with a 1980 letter indicating that he wanted the phone moved. This letter, written seven years before any question was raised in the press, demonstrates the Congressman's intent to keep his office and the law firm separate.

Further, to illustrate the de minimus nature of any unofficial use of FTS service, Congressman Murphy was charged a flat rate for the FTS service in his Charleroi office. It made no difference if one long distance call or 200 long distance calls were made on an FTS line in one month. Also, unlike prior procedures allowing for the review and payment of long distance calls made from regular phones, no statement of calls made on FTS was ever received for verification. Indeed, applicable regulations for the FTS line do not expressly require that the Member take steps to ensure that no personal calls are made on FTS, as the regulations do require for long distance toll calls. Congressional Handbook Regulations and Accounting Procedures for Allowances and Expenses of Members, Committees and Employees §2.35 (1985). If in fact unauthorized calls were made, no record was ever submitted to Congressman Murphy that would bring to his attention the matter or allow any party to reimburse the

government for other than official calls. (See Mollenauer Deposition at 41.)

Testimony has been received by the Committee that Mr. France's law office provided photocopy services to the congressional office well into 1977. Mr. France, France Deposition at 27, and Mr. Garcia, Garcia Deposition at 22, offered testimony concerning the relocation of Mr. France's photocopier moved to the second floor of the law office for a period of time. To reconstruct the events that occurred some eight to ten years ago is difficult at best. At some point, law office employees may have occasionally utilized the convenience of the congressional photocopier when their machine was down. The question comes down to a point of how often and at what cost to the government. Again, in view of the evidence of payments by Jack France to copy service vendors, the lack of specific evidence concerning how many copies may be involved in the occasional use testified to, and the fact that the France law firm contributed resources to Congressman Murphy for some time into 1977, the issue of unofficial use of the government facility is put in its proper context of being an insignificant and understandable use.

Congressman Murphy has never suggested, instructed or authorized anyone other than his congressional staff to have access to and utilize a photocopy machine belonging to the congressional office.

In addition, the congressional office leased various brands of photocopiers in the past ten years. In each case the official expense allowance was charged a monthly rental fee. The rental fee included a fixed allotment of copies permitted before any excess fees were charged. A review of the Clerk of the House Quarterly Reports and actual available copies of vouchers for the period 1977 through 1986 reveal only six instances in ten years where charges for copies made over the meter allowance can be definitely attributed to the Charleroi office. Other such costs were occasionally incurred in Congressman Murphy's other congressional offices, which points to the fact that one cannot conclude that an occasional use of the photocopy machines by the law office caused these excess charges. See Exhibit .

The anonymous staff person who has spoken to the press and made accusations against Congressman Murphy is quoted to say: "I bet Jack France couldn't produce a canceled [sic] check for supplied for [his law] office during that period of time, if his life depended on it." Pittsburgh Post Gazette, Oct. 9, 1987, p. 1, col. 1. As the Committee knows, Mr. France has produced literally hundreds of cancelled checks and invoices. These documents amply demonstrate, contrary to the conclusion by Congressman Murphy's accuser, that Mr. France's use of any congressional resources was limited and insignificant.

In conclusion, Congressman Murphy shall not be held responsible for any unauthorized use of supplies, long distance service, photocopying, or furniture use in the Charleroi office.

Any use was inadvertent and was usually offset by the congressional office's use of the law firm. Most significantly, Congressman Murphy neither directed nor knew of any use that occurred.

Count Five

Count Five alleges that the Congressman "requested that his district office ... be in property owned by Jack and Marlene France" and that this relationship was improper because the Congressman had a "professional or legal relationship" with these individuals. Congressman Murphy denies this charge.

If the Congressman understands the Committee's charge, it is that, at the same time he was renting his office space from his former law partner, Jack France, he is alleged to have received improper payments from the law firm of Jack France.[2]

The Committee's charge implies all sorts of purposeful conduct that just is not supported by the facts in this case. As the Committee is aware from the testimony it heard, Congressman Murphy did not "request that his district office be" in Jack France's office in any special way. The Congressman had been at the location since 1953. He maintained his law offices at 308 Fallowfield Avenue from 1955 through 1976. He was a state representative there for twelve years, and he was a state senator there for six years. This was the location that people knew to be the Congressman's. There was never any thought of moving; nor

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[2] If this is not the correct understanding of the charge, the Congressman would ask the Committee, under Committee Rule 12 (a)(4) for a bill of particulars so that he can properly respond.

were there any reason to move. Congressman Murphy already explained in his July 17 letter the reasons behind having his congressional official at Fallowfield.

The Committee's allegation might suggest to someone who did not know these facts that the Congressman somehow went out of his way to arrange a special deal with his former law partner. That is simply not the case. The location of the congressional office was the natural result of over twenty-five years that the Congressman already had been located there. It was simply part of his public identity.

In addition, the office lease was not a "sweet-heart" deal for Jack France. When the Congressman first leased his congressional offices at Fallowfield Avenue, the rent charged was lower than that charged by comparable locations in the central business district. Again, the bald charge might indicate that the Congressman tried to arrange a relationship with Mr. France to the detriment of the House or his constituents. If anything, the office location was a good deal.

Finally, the predicate for the Committee's charge is that there was a legal or professional relationship between Mr. France and Mr. Murphy at the time the office was rented. This is really an unfair allegation. In 1977, when Mr. Murphy was elected to Congress, he resigned from the law offices. The testimony indicates that fact, and even the office stationery of that year indicates Mr. Murphy's resignation. See also France Deposition at 11.

In December 1976, Congressman Murphy and Mr. France ended their 20 year law partnership by negotiating a sale of partnership interest. A copy of this initial agreement already has been provided the Committee as part of the July 17 letter. See also France Deposition at 6-7. Sometime in 1977, Mr. France, on his own, suggested to Congressman Murphy that the $25,000 buy out might not have been a fair apportionment. France Deposition at 47 ("Initially, we had made the agreement for the $25,000 and I think on second thought probably that value placed on it was low ..."). Rather than increase yearly pay-outs, Mr. France suggested that, at the original end of the buy-out agreement, additional payments would be made if Congressman Murphy was still in Congress or had decided not to return to the firm. France Deposition at 7.

During his deposition, Jack France was asked numerous times by various staff and members about the buy-out arrangement and the payments made to Congressman Murphy after 1982. No matter how the questions were asked or how many times they were asked, Mr. France consistently stated that the 1982 and later payments were part of the buy-out agreement, France Deposition at 8, 39, 41, that they were based on clients which existed in the firm before Congressman Murphy was elected to Congress, id. at 8, 45, that Congressman Murphy did no legal or consulting work for the law firm for which these payments might have been made, id. at 8, 9, 41, 42, that even though Congressman Murphy reported some of the payments as income they were part of the original buy-out

agreement and that the Congressman's tax or EIGA labels were not accurate, id. at 39, and that Mr. France himself, without any participation by Congressman Murphy, offered the additional payments and then decided what they should be. Id. at 38-39, 42, 43.

Consequently, all the money Congressman Murphy was paid after he left was a buy-out of his equity and good will in the law firm. This is specifically provided for in House rules and is done all the time.

The Committee questions whether certain payments were part of the buy-out arrangement. They do so because the original written agreement was for only five years, and payments continued by way of an oral modification thereafter. These latter payments amounted to another $8000 over another five years or so. There is no allegation (and if there is there is no credible evidence supporting that allegation) that Congressman Murphy performed any legal service in these later years. See France Deposition at 8, 9, 41, 42.[3] The Committee staff has cast the money received as

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[3] The issue of Congressman Murphy doing some legal work arose earlier. Congressman Murphy was considering rejoining the law firm as a consultant and sought approval from the House before doing so. While he was considering this option, he wrote to the Committee on House Administration. The Congressman's April 28, 1982 letter set out the fact that Congressman Murphy rented space from Mr. France, the history of the Congressman's presence on Fallowfield Avenue, the fact that his possible consulting would not involve federal work, and the fact that he would maintain his lease with Mr. France even if he worked as a consultant. The Committee's May 18, 1982 response did not state that Congressman Murphy could not be a consultant and also rent space from Mr. France's law firm. Rather, it only directed that any lease be "negotiated at arms-length and in good faith."

(continued...)

income so as to trigger the prohibition in the rule. The history of payments clearly reflects that they were a buy-out of business equity which would not violate the rules of the House. That is also the testimony of Mr. France and Congressman Murphy.

The Committee staff may have come to the conclusion that the payments by the firm to Congressman Murphy triggered the rule prohibition because, on some occasions, Congressman Murphy reported these payments as ordinary income. This was done because Congressman Murphy received advice from a Mr. Ned Connelly, an IRS agent assigned to the House of Representatives in the Cannon House Office Building indicating that the money received from the law firm based on an oral buy-out agreement should be declared as ordinary income. To be consistent with his tax forms, the Congressman than listed the income as commissions on his EIGA financial disclosure forms. Listing the income as ordinary actually caused the Congressman to pay more taxes than were properly due. When the Congressman received his final payment in 1986 before any question in the Washington Times or by

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[3](...continued)
Exhibit 4. As it turned out, Congressman Murphy chose not to rejoin the firm or do any consulting work, but the fact remains that, even had he done so, the Committee on House Administration opined that his lease arrangement with Mr. France would still be permissable.

In this regard it also should be noted that Congressman Murphy sought approval of his lease arrangement from the House of Representatives when he first was elected to Congress. On October 13, 1978 he wrote both the Committee on Ethics and the Committee on House Administration seeking their advice. Both wrote back (the Administration Committee on October 27 and the Ethics Committee on November 1) indicating that his lease arrangements with his former law partner were approved. Exhibit 4

this Committee was raised, he listed it on his financial disclosure form as "sale of legal business." Again it is interesting to note that there were no additional payments to Congressman Murphy in 1986 and 1987 even before any question about the relationship was raised. This again demonstrates that there was just not the requisite intent that a charge under the rule would require.

Whatever else is clear about this charge, the Congressman certainly did not intend that any payments from Jack France be viewed as professional fees or income. He was not working as an attorney and he had only received money from Mr. France as a buy-out agreement. A mistake in listing a payment as ordinary rather than capital income or any other inadvertent filing error should not be allowed to change someone's conduct from proper to improper. If there was no intent, no violation can be found.

Count Six

Count Six alleges that Congressman Murphy "knew that Mr. Corbett did not perform" his duties. Congressman Murphy denies this charge.

Mr. Corbett came to Congressman Murphy's staff with extensive Capitol Hill experience. He graduated from Salisbury State College, served in the Army for two years, and started working in Congress in 1967. He worked first for Congressman William A. Barrett (D.Pa.) as a caseworker. He was then promoted to Legislative Assistant, and was elevated to Administrative Assistant in 1969. Mr. Corbett worked for Congressman Barrett

for seven more years until the congressman passed away. Mr. Corbett then began work for Congressman Michael O. Myers (D.Pa.). Congressman Murphy hired Mr. Corbett in January 1981 based on his thirteen years of Hill experience.

As the Committee is aware, Michael Corbett testified on August 13, 1987 before the Committee. He readily admitted that, starting in the "summer or fall of 1981," he began to take excessive leave. Deposition of Michael Corbett ("Corbett Deposition") at 27. He explained to the Committee that he did so because he began to take care of his ailing mother. To do so, Mr. Corbett had to drive approximately 115 miles to Salisbury, Maryland where his mother and father lived. His father was unable, both physically and emotionally, to deal with Mr. Corbett's mother. Id. at 27. Mr. Corbett testified that his leave was gradual and that he did not tell people about his problem.

At the time, Mr. Corbett worked for the Subcommittee on Select Education. The office for the subcommittee was located in House Annex I. Congressman Murphy did not have a practice of visiting those offices with any frequency. Moreover, Mr. Corbett testified that he was trying to hide his absences. Corbett Deposition at 29 ("No one knew where I was,"), 35 ("I didn't keep him very apprised ....")

There is no doubt, and Congressman Murphy does not deny, that he did learn about Mr. Corbett's absence. However, this did

not come about until some time in spring of 1982 and then the Congressman took action to correct the problem.

Congressman Murphy learned of Mr. Corbett's absences from his administrative assistant Fred McLuckie. He, in turn, learned of them from a subcommittee staff person, Roseann Tully. Deposition of Frederick McLuckie ("McLuckie Deposition") at 81-82. To the best of his ability, however, Mr. McLuckie can recall that his conversation in which Ms. Tully "laid out" the details of Mr. Corbett's absences occurred close to the "summer of 1982." Id. at 82.

Mr. McLuckie's recall is confirmed by the testimony of Mr. Corbett himself.[4] Mr. Corbett stated that initially he did not discuss his absences or the reason with Congressman Murphy. Corbett Deposition at 29. He said that there did come a time that was "more than a couple of months" that the Congressman was looking for him and did confront him with his absences. Id. at 29-30. Mr. Corbett admitted that he specifically did not keep Congressman Murphy apprised of his situation because he did not want to be told to stop. Id. at 35 ("I feel that I did not keep him very much apprised of the situation because I didn't want him to say to me, you can't go, I need you over here for such and such a committee occasion. I snuck away basically,....").

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[4] During the testimony of Messrs. McLuckie and Corbett, there was some discussion between the Chairman and the deponents' counsel concerning what each did after the Washington Times story was published. Counsel for the deponents' pointed out that they went out of their way to make sure potential witnesses did not talk just so that there would not be any question that peoples' recollections were independent.

Mr. Corbett also admitted that after Congressman Murphy first spoke with him, his absences continued. This time it was brought to his attention sooner, the Congressman spoke with him again, and he tendered his resignation. Id. at 30.

The issue here is when Congressman Murphy found out about Mr. Corbett's conduct. No doubt those who first contacted the press and/or the Committee trying to start this investigation of Congressman Murphy have charged that the Congressman knew all along or much sooner than the Congressman has responded. That is not the case, and this may become clearer when and if the Congressman has the opportunity to confront those making the accusations so that they no longer can speak without attribution. However, it is interesting to note that those who have spoken to the press anonymously had to admit that they "frequently wondered among themselves what Corbett was doing." Pittsburgh Post Gazette, Oct. 9, 1987, p. 1, col. 1 ("emphasis added"). Had these same staff been as quick to tell Congressman Murphy as they were to wonder among themselves, the Congressman could have and would have acted sooner. As it stands, when Congressman Murphy discovered the problem, he acted on it.

It may be that some will criticize Congressman Murphy for failing to dismiss Mr. Corbett the first time he talked with him. However, the Congressman was trying to show some sympathy to a staff person who had many years of service on the Hill, who had initially produced for him, and who was trying to take care of his ailing mother. Mr. Corbett was not working a second paying

job, was not taking part in political activity, was not suffering from an illness or drug problem of his own, and Congressman Murphy gave him the benefit of the doubt.

Conclusion

The press allegations against Congressman Murphy have now escalated to a Statement of Alleged Violations. In the end, there is very little dispute about the "facts" alleged in the Statement. The question is how these facts are viewed and interpreted.

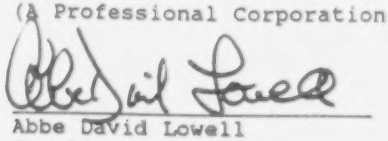
Counts One-Three relating to voting irregularities are either not supported by the rules or the facts. Count Four, concerning the co-mingling of official and non-official facilities, ignores that the Congressman's intent was to separate the law and congressional offices. Any "cross-overs" which did occur were minimal and were either inadvertent or reciprocal. The congressional office used the law office as a back-up as much as the reverse. In any event, the overlap was innocent. Count Five, relating to the relationship between Congressman Murphy and Jack France treats a financial disclosure form misnomer as a substantive offense. The history of the relationship and the testimony support Congressman Murphy's position that all of the payments from Jack France were part of the buy-out of his interest in his former law firm. Finally, Count Six reveals only that Mr. Corbett shirked his responsibilities and that Congressman Murphy acted in a forceful way as soon as he learned. If the Congressman should have known sooner or acted faster, the

worst that can be said is that Congressman Murphy showed too much sympathy to a person who had many years of valuable House service.

While the allegations raised against Congressman Murphy are serious, they should be viewed in their proper perspective. There is no allegation that the Congressman sold his vote or misused campaign funds or was improperly influenced. Indeed, it is clear from the charges themselves that Congressman Murphy did not gain financially or politically from any of the conduct being challenged. This is not to say that Congressman Murphy could not have been more vigilant in policing his staff or district office. It is only to say that whatever errors were made were inadvertent, understandable, and lacked the intent required for a rule violation to be found.

Respectfully submitted,

BRAND & LOWELL
(A Professional Corporation)

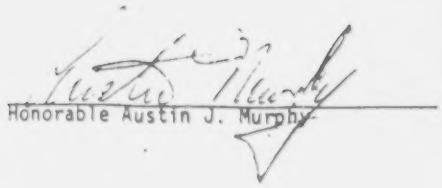
By: 

Abbe David Lowell
Stanley M. Brand

923 Fifteenth Street, N.W.
Washington, D.C. 20005
(202) 662-9700

Counsel for Respondent
Honorable Austin J. Murphy

I concur with and swear, under penalty of perjury, to the accuracy of the foregoing Objections and Answer.



Honorable Austin J. Murphy

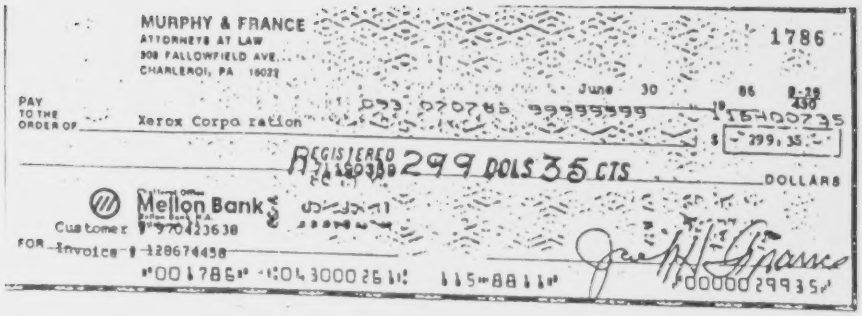
Dated: October 16, 1987

Exhibit 1

Congressman: Austin J. Murphy Charleroi, PA

MO	PROPERTY CODE	NOMENCLATURE	SERIAL NO.	UNITS	CAPITAL VALUE
76FC	01AW2	Bkcase Nonsec Exc Trd		1	238.00
	02DW2	Cabinet Sypply Unit		1	112.00
	03AW2	Cabinet Tel Exc Trad		1	163.00
	04AW2	Chair Easy Exec Trad		2	288.44
	05AW2	Chair Of Exc Rot Trd		1	120.80
	05CW2	Chair Of Exc Leg Trd		6	637.12
	05DW2	Chair Ofc Unit Rot		1	211.00
	05EM2	Chair Ofc Unit Typ		1	67.00
	05FW2	Chair Ofc Unit Leg		6	438.00
	05FW2	Chair Ofc Unit Leg		2	212.00
	06AW2	Costumer Exec Trad		2	75.88
	09AW2	Desk Ex Flat Top Trd		1	916.75
	09DM2	Desk Unit DBL Ped		1	113.00
	09DW2	Desk Unit DBLPed		2	882.00
	09EM2	Desk Unit Sgl Ped		1	125.00
	09FM2	Desk Unit Attachmt		1	81.00
	15CW2	Table End Exc Trd		2	146.62
6FC	36L22	Lat 5 Drwr W/Shelf		1	208.00
6FC	52N22	Adding El 10 Key	PV0083206l3 73	1	125.00
	58G22	Dictating & Transc	NR0004141192 77	1	183.30
	58H22	Dictating Machine	NR0001587749 77	1	375.06
	58N22	Transcribing Mach.	NR0001368?8 77	1	375.06
	59N22	Trascribing Mach.	NR0001369?2 77	1	375.06
	59K22	Typew El Other	JB0034539?7 77	1	747.20
		FURNISHING			
		Carpet Chushion			177.50
		Carpet			1,312.63
		Install Carpet			499.20
		Measuring Carpet			20.00
				GRAND TOTAL	9,225.42

Exhibit 2



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

1786

June 30 86 8-28 430

PAY TO THE ORDER OF Xerox Corporation $ 299.35

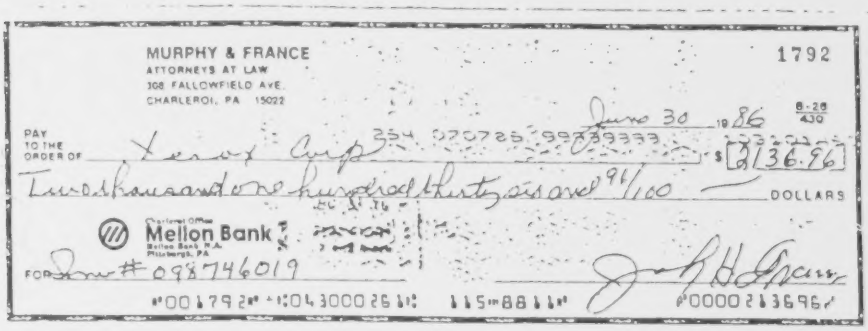
REGISTERED 299 DOLS 35 CTS DOLLARS

Mellon Bank

Customer # 970423638

FOR Invoice # 128674458

⑈001786⑈ ⑆043000261⑆ 115⑈8811⑈ ⑈0000029935⑈



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

1792

June 30 1986 8-28 430

PAY TO THE ORDER OF Xerox Corp $ 2136.96

Two thousand one hundred thirty six and 96/100 DOLLARS

Mellon Bank

FOR Inv # 098746019

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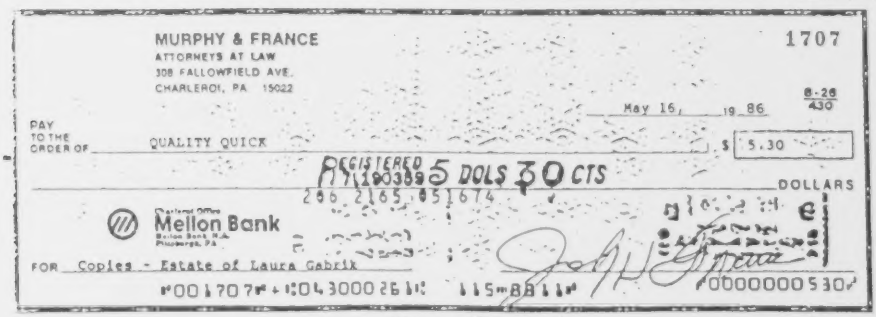


MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

1707

May 16, 1986 8-28 430

PAY TO THE ORDER OF QUALITY QUICK $ 5.30

REGISTERED 5 DOLS 30 CTS DOLLARS

Mellon Bank

FOR Copies - Estate of Laura Gabrik

⑈001707⑈ ⑆043000261⑆ 115⑈8811⑈ ⑈0000000530⑈

MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

1050

March 25 19 85

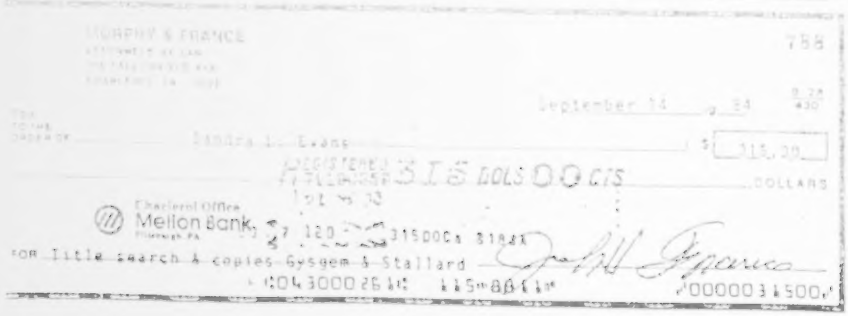
8-26
430

PAY TO THE ORDER OF Dorothy Dutek $ 9.75

DOLLARS

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

758

September 14 19 84

8-26
430

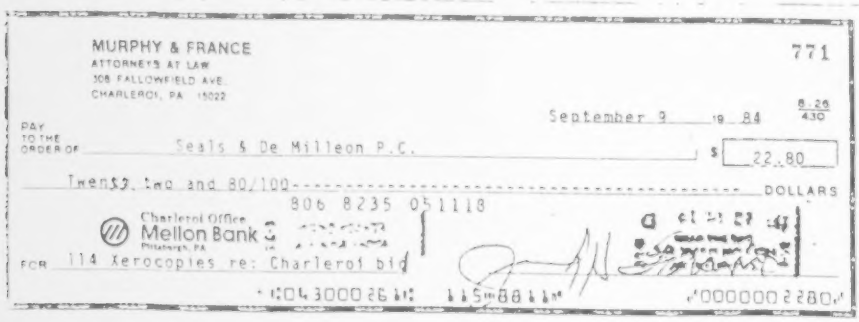
PAY TO THE ORDER OF Sandra L. Evans $ 315.00

REGISTERED THREE HUNDRED FIFTEEN DOLLARS 00 CTS DOLLARS

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR Title search & copies Gysgem & Stallard

⑆043000261⑆ 115m8811⑈ ⑈0000031500⑈



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

771

September 9 19 84

8-26
430

PAY TO THE ORDER OF Seals & De Milleon P.C. $ 22.80

Twenty two and 80/100 DOLLARS

806 8235 051118

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR 114 Xerocopies re: Charleroi bid

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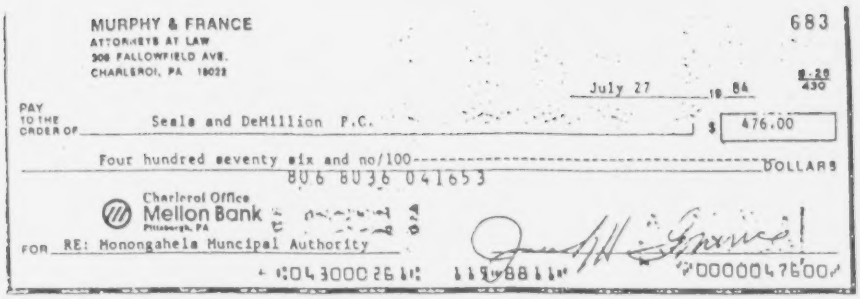


MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

683

July 27 19 84

8-28
430

PAY TO THE ORDER OF Seals and DeMillion P.C. $ 476.00

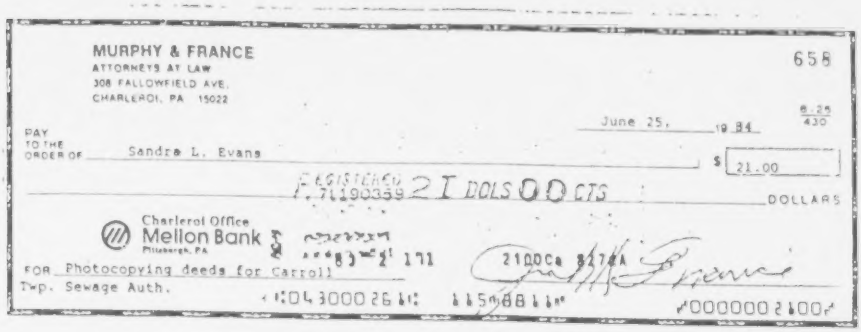
Four hundred seventy six and no/100 DOLLARS

806 8036 041653

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR RE: Monongahela Muncipal Authority

⑆043000261⑆ 115-8811⑈ ⑈000047600⑈



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

658

June 25, 19 84

8-28
430

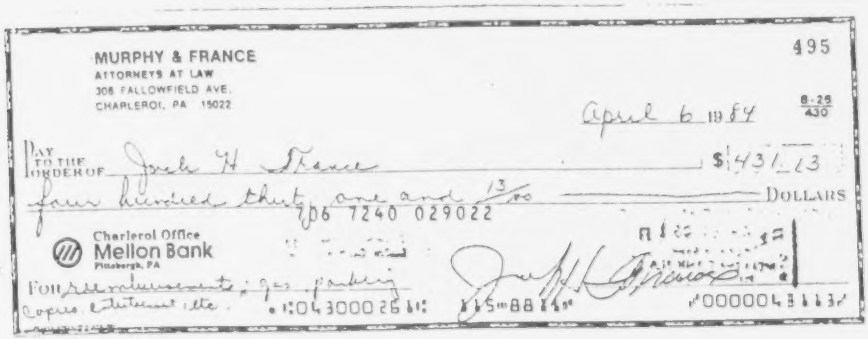
PAY TO THE ORDER OF Sandra L. Evans $ 21.00

REGISTERED 21 DOLS 00 CTS DOLLARS

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR Photocopying deeds for Carroll Twp. Sewage Auth.

⑆043000261⑆ 115-8811⑈ ⑈000002100⑈



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

495

April 6 19 84

8-28
430

PAY TO THE ORDER OF Jack H France $ 431.13

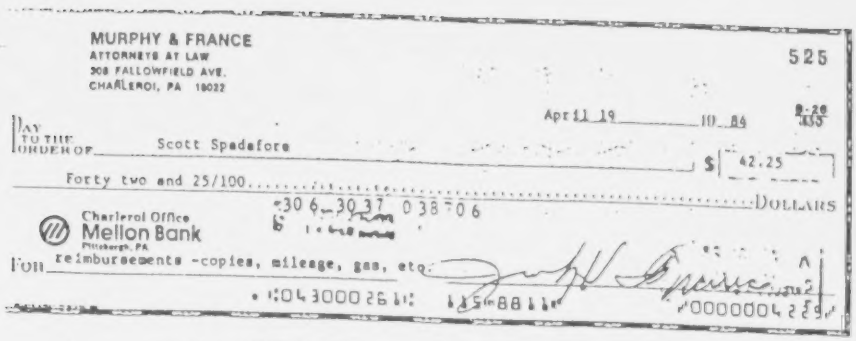
four hundred thirty one and 13/100 DOLLARS

806 7240 029022

Charleroi Office
Mellon Bank
Pittsburgh, PA

For Reimbursements: gas, parking Copies, Settlement, etc.

⑆043000261⑆ 115-8811⑈ ⑈000043113⑈



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

525

April 11 19 84 8-26 430

PAY TO THE ORDER OF Scott Spadafore $ 42.25

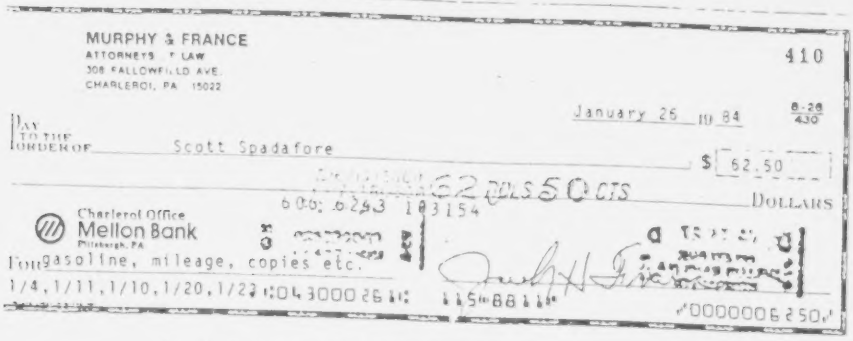
Forty two and 25/100 DOLLARS

Charleroi Office
Mellon Bank
Pittsburgh, PA

306-3037 038706

FOR reimbursements -copies, mileage, gas, etc.

:043000261: 115-88111 "0000004225"



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

410

January 25 19 84 8-26 430

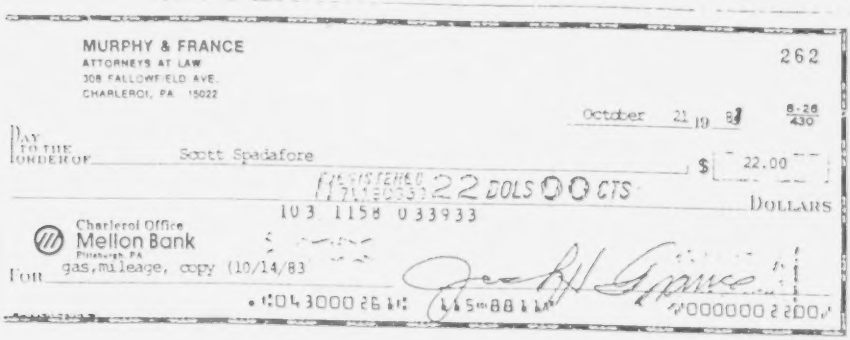
PAY TO THE ORDER OF Scott Spadafore $ 62.50

SIXTY TWO DOLS 50 CTS DOLLARS

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR gasoline, mileage, copies etc.
1/4,1/11,1/10,1/20,1/23

:043000261: 115-88111 "0000006250"



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

262

October 21 19 83 8-26 430

PAY TO THE ORDER OF Scott Spadafore $ 22.00

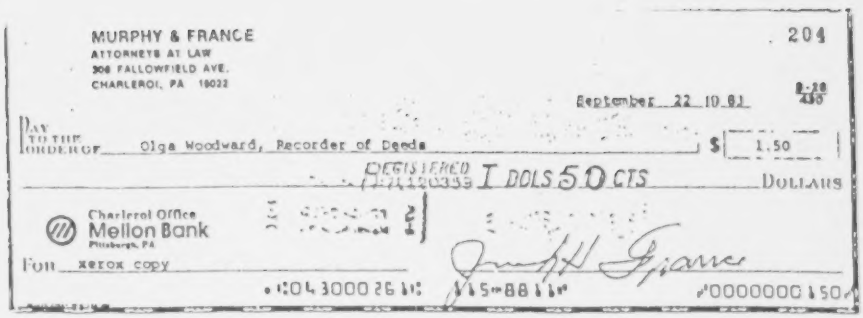
TWENTY TWO DOLS 00 CTS DOLLARS

103 1158 033933

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR gas,mileage, copy (10/14/83

:043000261: 115-88111 "0000002200"



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

204

September 22 19 81

8-28
430

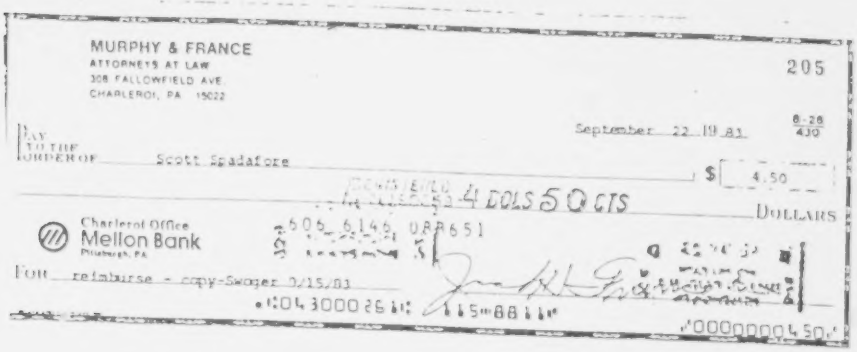
PAY TO THE ORDER OF Olga Woodward, Recorder of Deeds $ 1.50

REGISTERED I DOLS 50 CTS DOLLARS

Charleroi Office
Mellon Bank
Pittsburgh, PA

For xerox copy

:043000261: 115=8811= 0000000150



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

205

September 22 19 81

8-28
430

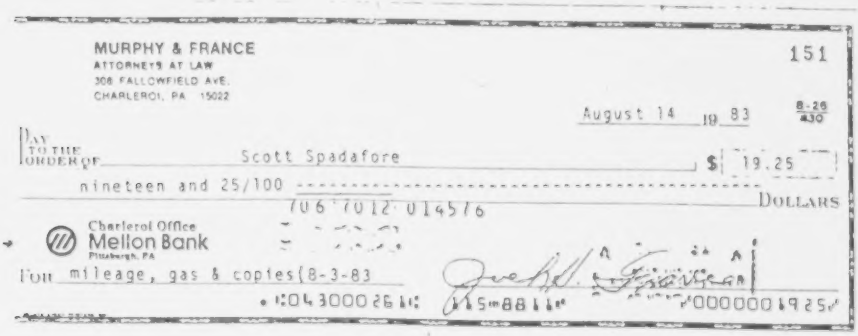
PAY TO THE ORDER OF Scott Spadafore $ 4.50

REGISTERED 4 DOLS 50 CTS DOLLARS

Charleroi Office
Mellon Bank
Pittsburgh, PA

For reimburse - copy-Swoger 9/15/83

:043000261: 115=8811= 0000000450



MURPHY & FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVE.
CHARLEROI, PA 15022

151

August 14 19 83

8-28
430

PAY TO THE ORDER OF Scott Spadafore $ 19.25

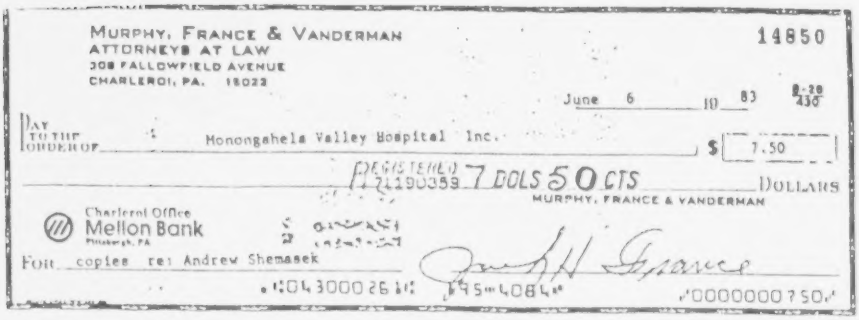
nineteen and 25/100 DOLLARS

706 7012 014576

Charleroi Office
Mellon Bank
Pittsburgh, PA

For mileage, gas & copies(8-3-83

:043000261: 115=8811= 0000001925



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14850

June 6 19 83 8-28 430

PAY TO THE ORDER OF Monongahela Valley Hospital Inc. $ 7.50

REGISTERED 7 DOLS 50 CTS DOLLARS
MURPHY, FRANCE & VANDERMAN

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR copies re: Andrew Shemasek

⑆043000261⑆ 195=4084=" "0000007 50"

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14870

June 10 19 83 8-28 430

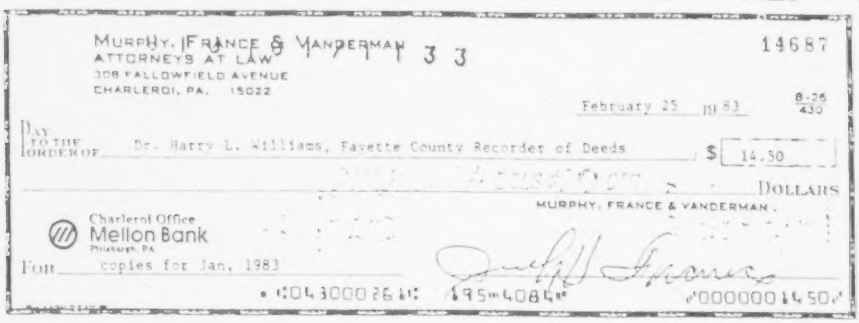
PAY TO THE ORDER OF Harry L. Williams, Recorder of Deeds $ 5.00

REGISTERED 5 DOLS 00 CTS DOLLARS
MURPHY, FRANCE & VANDERMAN

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR Fayette Co. - copies

⑆043000261⑆ 195=4084=" "0000005 00"



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14687

February 25 19 83 8-28 430

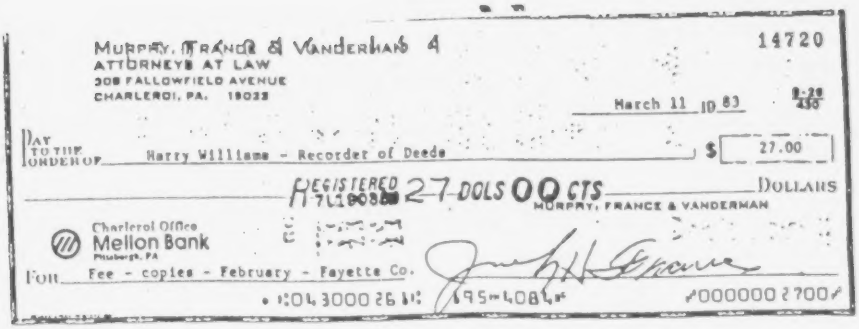
PAY TO THE ORDER OF Dr. Harry L. Williams, Fayette County Recorder of Deeds $ 14.50

DOLLARS
MURPHY, FRANCE & VANDERMAN

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR copies for Jan, 1983

⑆043000261⑆ 195=4084=" "0000014 50"



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14720

March 11 19 83

8-26
430

PAY TO THE ORDER OF Harry Williams - Recorder of Deeds $ 27.00

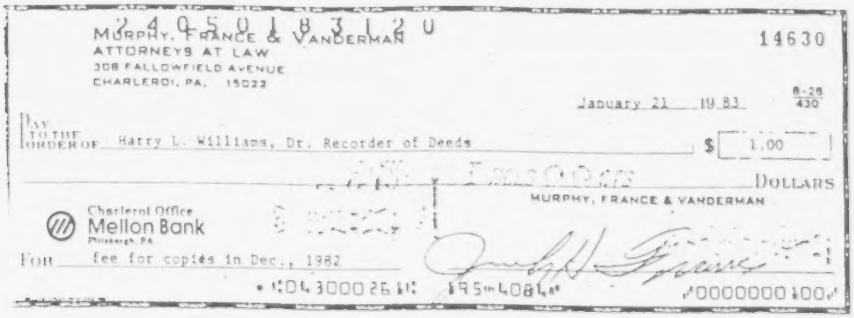
REGISTERED 27 DOLS 00 CTS DOLLARS

MURPHY, FRANCE & VANDERMAN

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR Fee - copies - February - Fayette Co.

:043000261: 195-4084 "000000 2700"



240501831120

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14630

January 21 19 83

8-26
430

PAY TO THE ORDER OF Harry L. Williams, Dr. Recorder of Deeds $ 1.00

ONE DOLLAR 00 CTS DOLLARS

MURPHY, FRANCE & VANDERMAN

Charleroi Office
Mellon Bank
Pittsburgh, PA

FOR fee for copies in Dec., 1982

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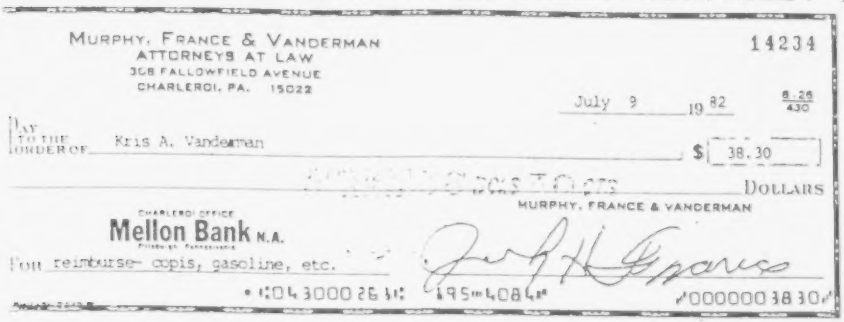


MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14234

July 9 19 82

8-26
430

PAY TO THE ORDER OF Kris A. Vandeman $ 38.30

THIRTY-EIGHT DOLS 30 CTS DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.
Pittsburgh, Pennsylvania

FOR reimburse- copis, gasoline, etc.

:043000261: 195-4084 "000000 3830"

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14237

July 9 19 82 — 8-26 / 430

PAY TO THE ORDER OF Harry Williams, Recorder of Deeds, Fayette County $ 2.00

REGISTERED 2 DOLS 00 CTS DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR copies June 25, 1982

⑆043000261⑆ 895⑈4084⑈ ⑈0000000200⑈

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT-LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14154

June 10 19 82 — 8-26 / 430

PAY TO THE ORDER OF Harry L. Williams, recorder of deeds $ 9.50

REGISTERED 9 DOLS 50 CTS DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR copy fees for May, 1982

⑆043000261⑆ 895⑈4084⑈ ⑈0000009950⑈

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14009

March 5 19 82 — 8-26 / 430

PAY TO THE ORDER OF Kris A. Vanderman $ 42.25

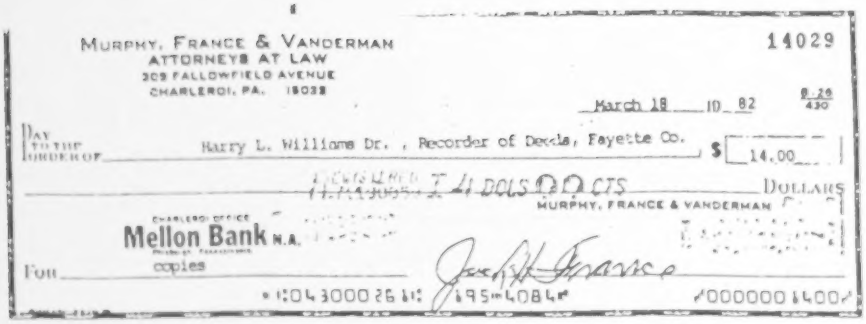
REGISTERED 42 DOLS 25 CTS DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR copies, parking, gasoline

⑆043000261⑆ 895⑈4084⑈ ⑈0000004225⑈



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
309 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14029

March 18 19 82

8-26
430

PAY TO THE ORDER OF Harry L. Williams Dr. , Recorder of Deeds, Fayette Co. $ 14.00

FOURTEEN AND 1 4 DOLS 00 CTS DOLLARS

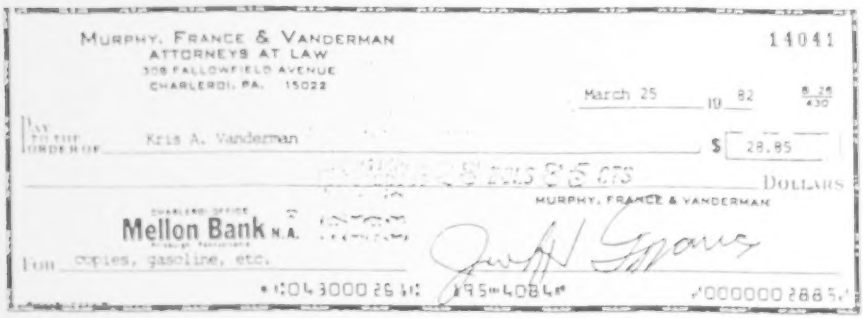
MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR copies

Jack H. France

:043000261: 195-4084 /0000001400/



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
309 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14041

March 25 19 82

8-26
430

PAY TO THE ORDER OF Kris A. Vanderman $ 28.85

TWENTY EIGHT AND 8 5 CTS DOLLARS

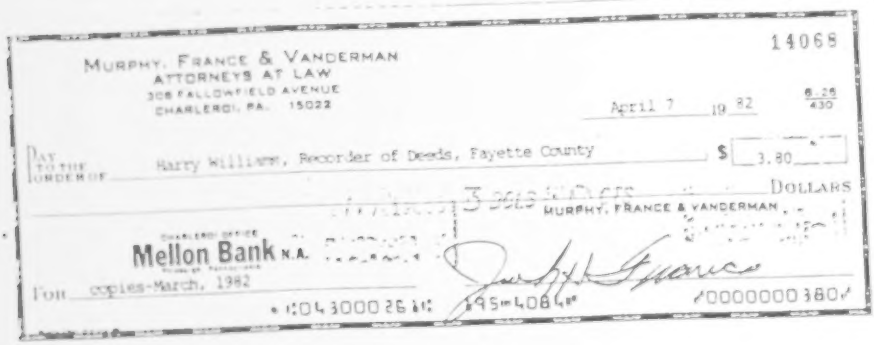
MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR copies, gasoline, etc.

Jack H. France

:043000261: 195-4084 /0000002885/



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
309 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14068

April 7 19 82

8-26
430

PAY TO THE ORDER OF Harry Williams, Recorder of Deeds, Fayette County $ 3.80

THREE AND 8 0 CTS DOLLARS

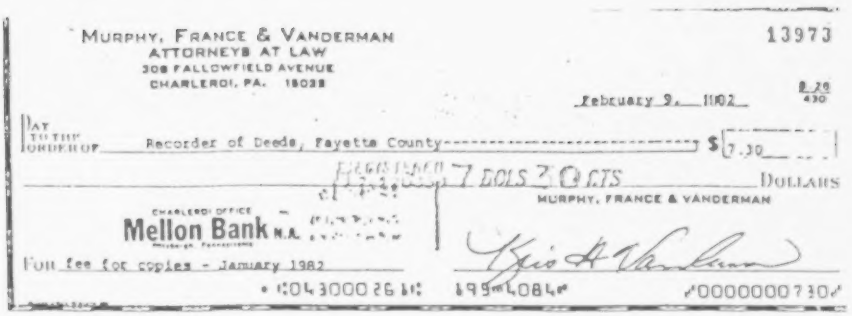
MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR copies-March, 1982

Jack H. France

:043000261: 195-4084 /0000000380/



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13973

February 9, 1982 — 8-29/430

PAY TO THE ORDER OF Recorder of Deeds, Fayette County — $ 7.30

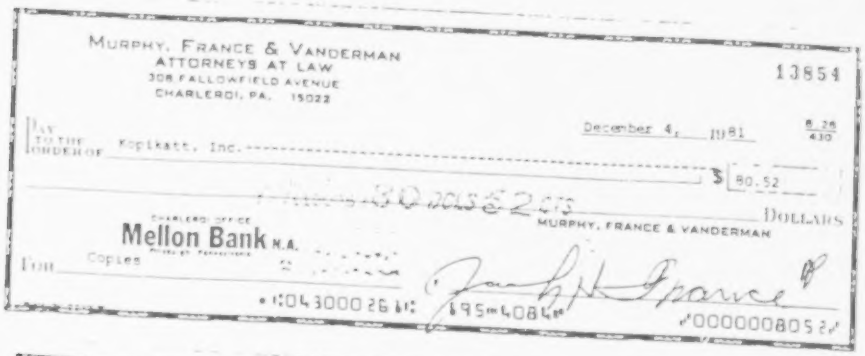
REGISTERED 7 DOLS 30 CTS — DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR fee for copies - January 1982

⑆043000266⑆ 195=4084 "0000000730"



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13854

December 4, 1981 — 8-29/430

PAY TO THE ORDER OF Kopikatt, Inc. — $ 80.52

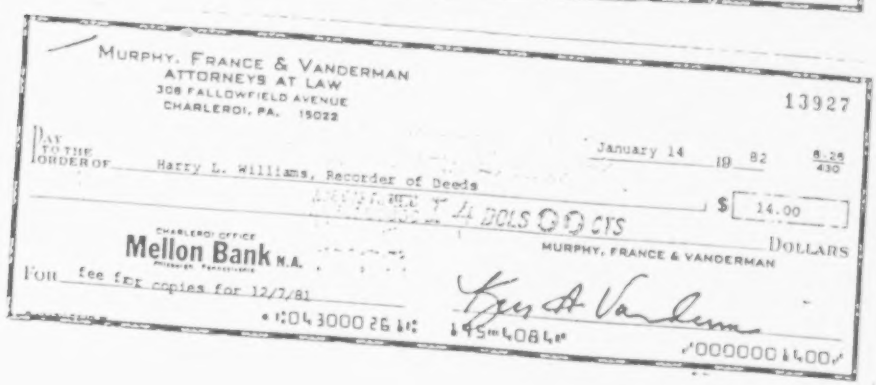
REGISTERED 80 DOLS 52 CTS — DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR Copies

⑆043000266⑆ 195=4084 "0000008052"



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13927

January 14, 19 82 — 8-29/430

PAY TO THE ORDER OF Harry L. Williams, Recorder of Deeds — $ 14.00

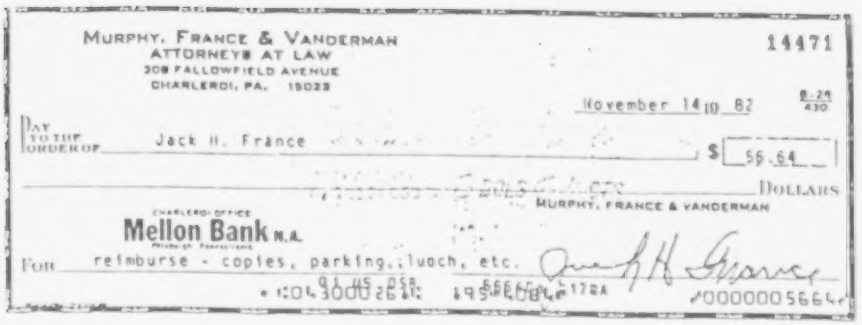
REGISTERED 14 DOLS 00 CTS — DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR fee for copies for 12/7/81

⑆043000266⑆ 195=4084 "0000001400"



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14471

November 14 19 82

8-29
430

PAY TO THE ORDER OF Jack H. France $ 56.64

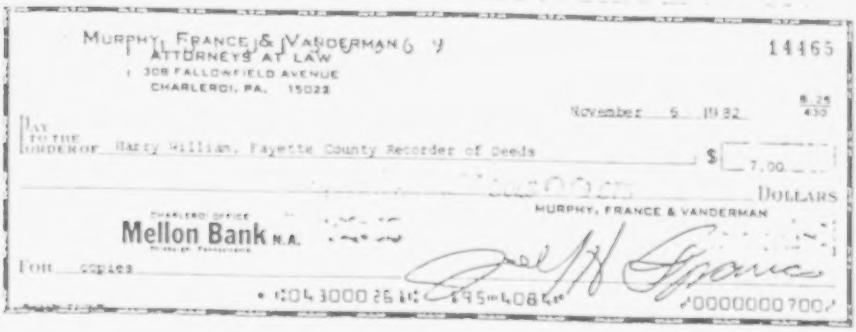
DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR reimburse - copies, parking, lunch, etc.

⑆043000261⑆ 195=4084⑈ 1784 ⑈0000005664⑈



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14465

November 9 19 82

8-29
430

PAY TO THE ORDER OF Harry Willian, Fayette County Recorder of Deeds $ 7.00

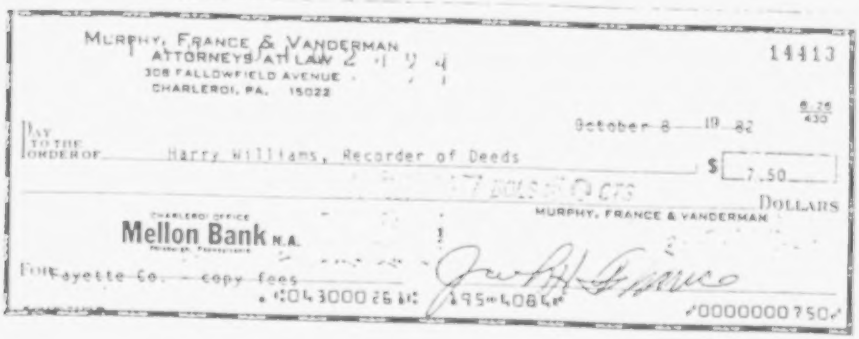
DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR copies

⑆043000261⑆ 195=4084⑈ ⑈0000000700⑈



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14413

October 8 19 82

8-29
430

PAY TO THE ORDER OF Harry Williams, Recorder of Deeds $ 7.50

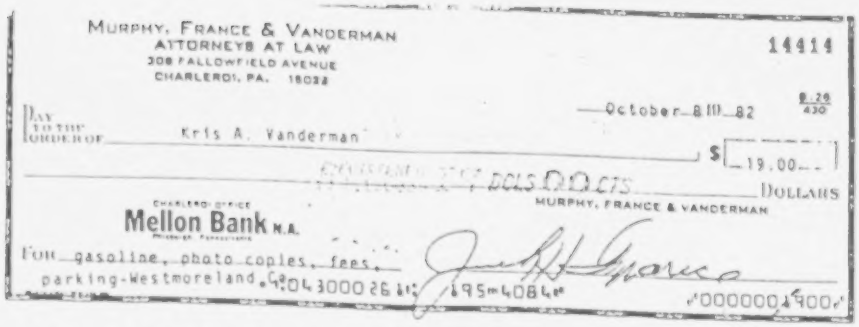
DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR Fayette Co. - copy fees

⑆043000261⑆ 195=4084⑈ ⑈0000000750⑈



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

14414

October 8 19 82 — 8-29/430

PAY TO THE ORDER OF Kris A. Vanderman — $ 19.00

EXACTLY 19 DOLS 00 CTS — DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

For gasoline, photo copies, fees, parking-Westmoreland Co.

⑆043000261⑆ 195-4084 "0000004900"

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13253

January 16 19 81 — 8-29/430

PAY TO THE ORDER OF James W. Haines Jr. — $ 2.00

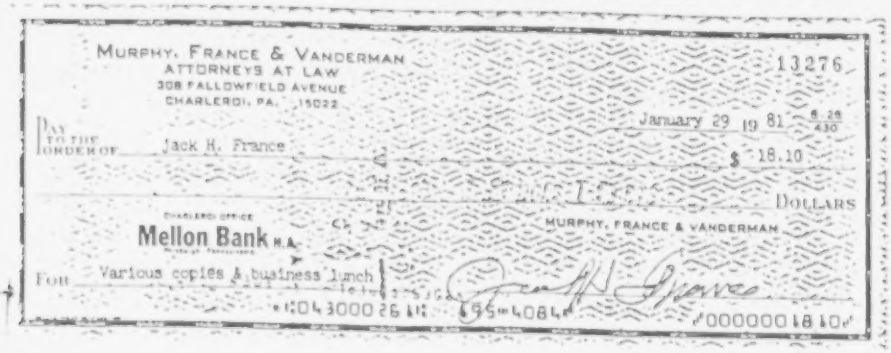
DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

For reimbursements for copies for S. Lee Vrabel Estate

⑆043000261⑆ 195-4084 "0000000200"



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13276

January 29 19 81 — 8-29/430

PAY TO THE ORDER OF Jack H. France — $ 18.10

DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

For Various copies & business lunch

⑆043000261⑆ 195-4084 "0000001810"

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13143

December 5 19 80 8-28/430

PAY TO THE ORDER OF United States Department of Labor

$ 5.30

DOLLARS

CHARLEROI OFFICE
Mellon Bank N.A.

PAY TO THE ORDER OF THE RIGGS NATIONAL BANK
U. S. DEPARTMENT OF LABOR

MURPHY, FRANCE & VANDERMAN

FOR Copy Fee

⑆043000266⑆ 195m4084 "0000005 30"

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13280

January 30 19 81 8-28/430

PAY TO THE ORDER OF Monongahela Valley Hospital, Inc.

$ 5.00

DOLLARS

CHARLEROI OFFICE
Mellon Bank N.A.

MURPHY, FRANCE & VANDERMAN

FOR Record copies for Kirkpatrick Davis

⑆043000266⑆ 195m4084 "0000005 00"

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13300

February 7 19 81 8-28/430

PAY TO THE ORDER OF Kopiatt Inc.

$ 2.01

DOLLARS

CHARLEROI OFFICE
Mellon Bank N.A.

MURPHY, FRANCE & VANDERMAN

FOR Xerocopies

⑆043000266⑆ 195m4084 "0000002 01"

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13337

February 27, 10 81 8-26/430

PAY TO THE ORDER OF Monongahela Valley Hospital $1.75

REGISTERED 71190359 3 DOLS 75 CTS DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR Barbara Zajack-Photocopies

Jack H. France

⑆043000261⑆ 195=4084= "0000000375"

MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13384

March 25, 10 81 8-26/430

PAY TO THE ORDER OF Kris A. Vanderman $2.10

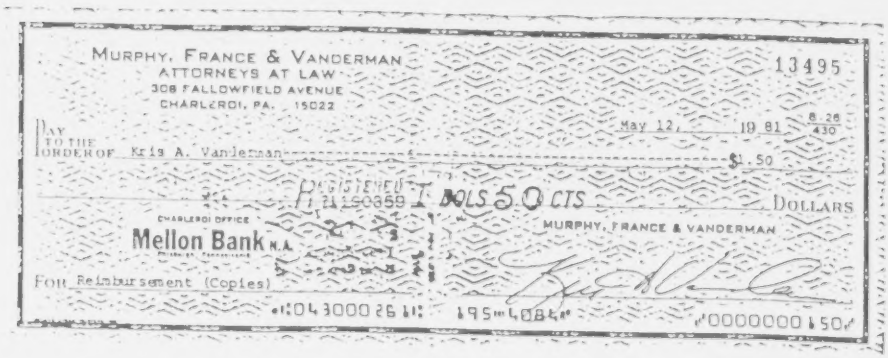
REGISTERED 71190359 2 DOLS 10 CTS DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR Reimbursement-Photocopying
Louis Angelo

⑆043000261⑆ 195=4084= "0000000210"



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13495

May 12, 10 81 8-26/430

PAY TO THE ORDER OF Kris A. Vanderman $1.50

REGISTERED 71190359 1 DOLS 50 CTS DOLLARS

MURPHY, FRANCE & VANDERMAN

CHARLEROI OFFICE
Mellon Bank N.A.

FOR Reimbursement (Copies)

⑆043000261⑆ 195=4084= "0000000150"

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CHARLEROI, PA. 15022

13579

June 25 19 81 — 8-28/430

PAY TO THE ORDER OF Kris A. Vandermen $ 1.40

REGISTERED 1 DOLS 40 CTS DOLLARS

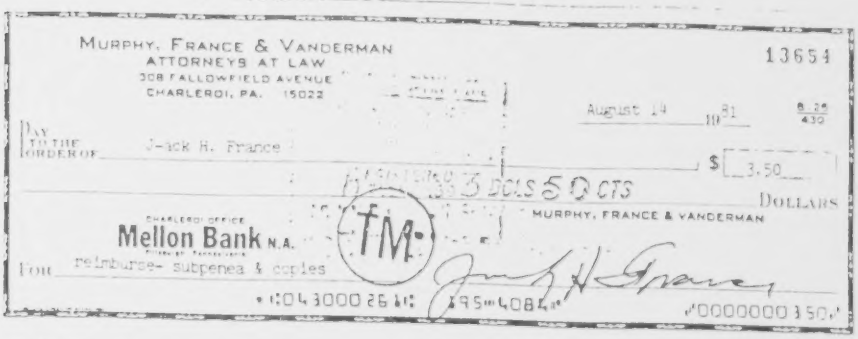
CHARLEROI OFFICE
Mellon Bank N.A.

MURPHY, FRANCE & VANDERMAN

FOR reimburse - copies

Jack H. France

⑆043000261⑆ 195=4084 "0000000140"



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13654

August 14 19 81 — 8-28/430

PAY TO THE ORDER OF J-ack H. France $ 3.50

REGISTERED 3 DOLS 50 CTS DOLLARS

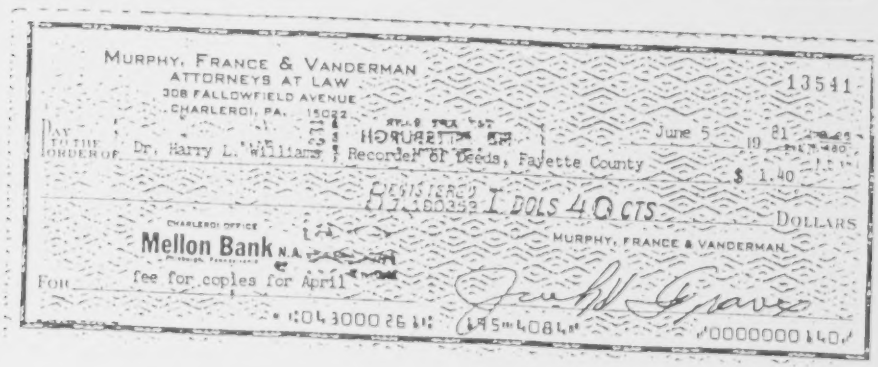
CHARLEROI OFFICE
Mellon Bank N.A.

MURPHY, FRANCE & VANDERMAN

FOR reimburse- subpenea & copies

Jack H. France

⑆043000261⑆ 195=4084 "0000000350"



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13541

PAY TO THE ORDER OF Dr. Harry L. Williams, Recorder of Deeds, Fayette County June 5 19 81 $ 1.40

REGISTERED 1 DOLS 40 CTS DOLLARS

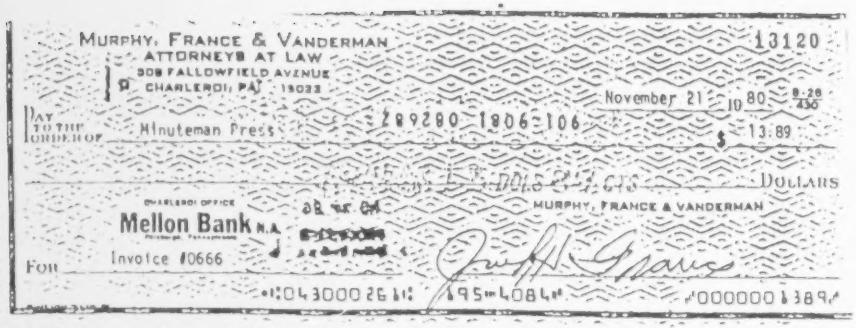
CHARLEROI OFFICE
Mellon Bank N.A.

MURPHY, FRANCE & VANDERMAN

FOR fee for copies for April

Jack H. France

⑆043000261⑆ 195=4084 "0000000140"



MURPHY, FRANCE & VANDERMAN
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CHARLEROI, PA. 15022

13120

November 21 19 80 8-26/430

PAY TO THE ORDER OF Minuteman Press $ 13.89

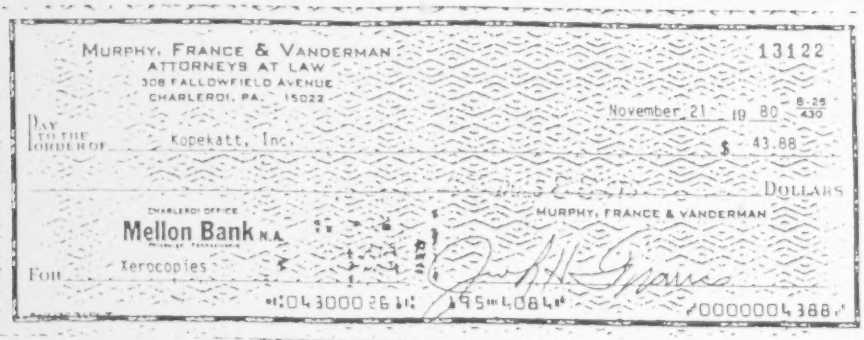
DOLLARS

CHARLEROI OFFICE
Mellon Bank N.A.

MURPHY, FRANCE & VANDERMAN

FOR Invoice #0666

⑆043000261⑆ 195=4084 ⑈0000001389⑈



MURPHY, FRANCE & VANDERMAN
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

13122

November 21 19 80 8-26/430

PAY TO THE ORDER OF Kopekatt, Inc. $ 43.88

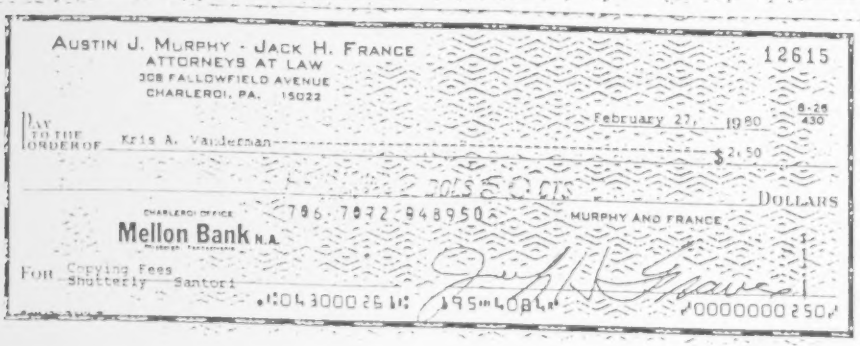
DOLLARS

CHARLEROI OFFICE
Mellon Bank N.A.

MURPHY, FRANCE & VANDERMAN

FOR Xerocopies

⑆043000261⑆ 195=4084 ⑈0000004388⑈



AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12615

February 27, 1980 8-26/430

PAY TO THE ORDER OF Kris A. Vanderman $ 2.50

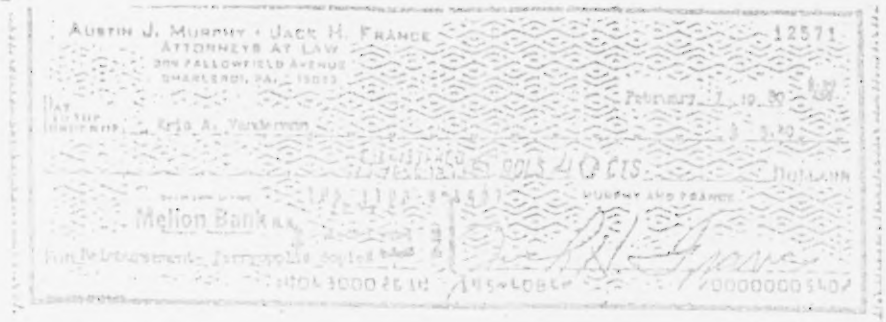
DOLLARS

CHARLEROI OFFICE
Mellon Bank N.A.

MURPHY AND FRANCE

FOR Copying Fees
Shutterly - Santori

⑆043000261⑆ 195=4084 ⑈0000000250⑈


AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12571

PAY TO THE ORDER OF Kris A. Yankovich

DOLLARS

MURPHY AND FRANCE

Mellon Bank N.A.

AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12443

PAY TO THE ORDER OF James W. Haines Jr.

November 10 1979

$ 35.70

35 DOLS 70 CTS

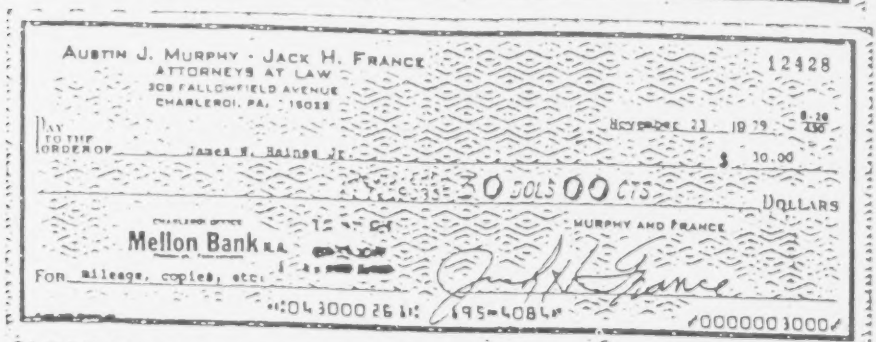
DOLLARS

MURPHY AND FRANCE

Mellon Bank N.A.

For mileage, copies, parking

⑆043000261⑆ 195-4084⑈ ⑈0000035700⑈


AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12428

PAY TO THE ORDER OF James W. Haines Jr.

November 23 1979

$ 30.00

30 DOLS 00 CTS

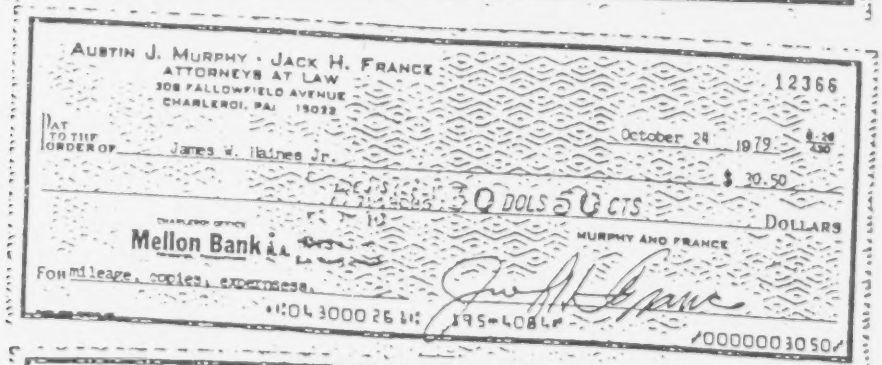
DOLLARS

MURPHY AND FRANCE

Mellon Bank N.A.

For mileage, copies, etc.

⑆043000261⑆ 195-4084⑈ ⑈0000030000⑈


AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12366

PAY TO THE ORDER OF James W. Haines Jr.

October 24 1979

$ 30.50

30 DOLS 50 CTS

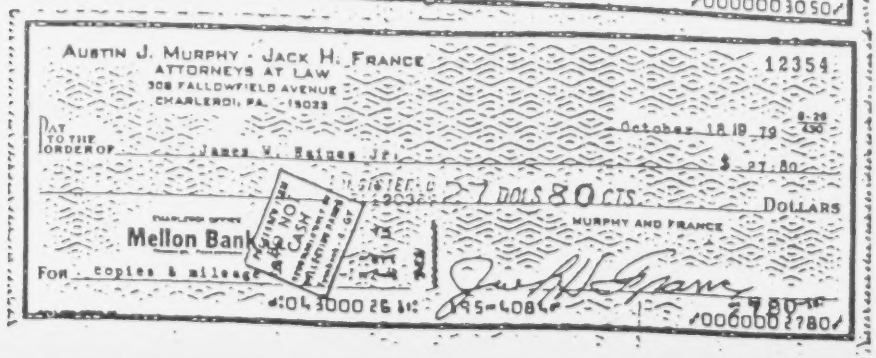
DOLLARS

MURPHY AND FRANCE

Mellon Bank N.A.

For mileage, copies, expenses

⑆043000261⑆ 195-4084⑈ ⑈0000030500⑈


AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12354

PAY TO THE ORDER OF James W. Haines Jr.

October 18 1979

$ 27.80

27 DOLS 80 CTS

DOLLARS

MURPHY AND FRANCE

Mellon Bank N.A.

For copies & mileage

⑆043000261⑆ 195-4084⑈ ⑈0000027800⑈

AUSTIN J. MURPHY · JACK H. FRANCE
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11940

March 8 19 79

PAY TO THE ORDER OF Washington County Reporter $ 6.48

REGISTERED 6 DOLS 48 CTS DOLLARS

Mellon Bank N.A.

MURPHY AND FRANCE

For Legal Forms, Tax Xerox & postage
Invoice # 111,254 :043000261: 195-4084 /0000000648/

AUSTIN J. MURPHY · JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12338

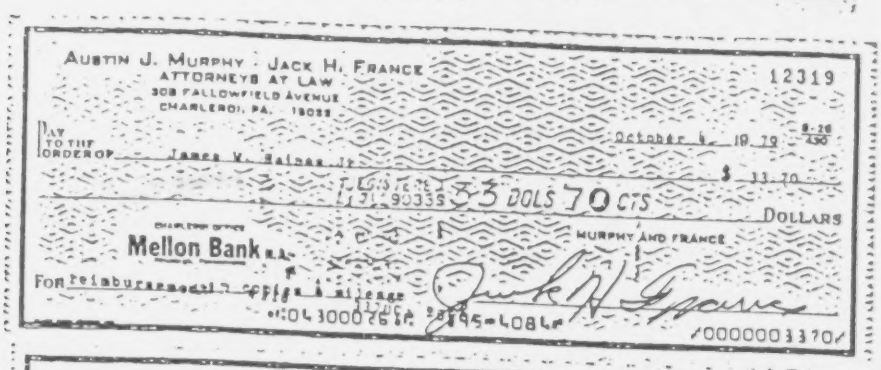
PAY TO THE ORDER OF DO NOT CASH Janes W. Haines Jr. October 12 19 79 $ 18.50

REGISTERED 18 DOLS 50 CTS DOLLARS

Mellon Bank N.A.

MURPHY AND FRANCE

For mileage & copies, parking
:043000261: 195-4084 1850 /0000001850/



AUSTIN J. MURPHY · JACK H. FRANCE
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308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12319

PAY TO THE ORDER OF James W. Haines Jr. October 4 19 79 $ 33.70

REGISTERED 33 DOLS 70 CTS DOLLARS

Mellon Bank N.A.

MURPHY AND FRANCE

For reimbursement - office & mileage
:043000261: 195-4084 /0000003370/

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12309

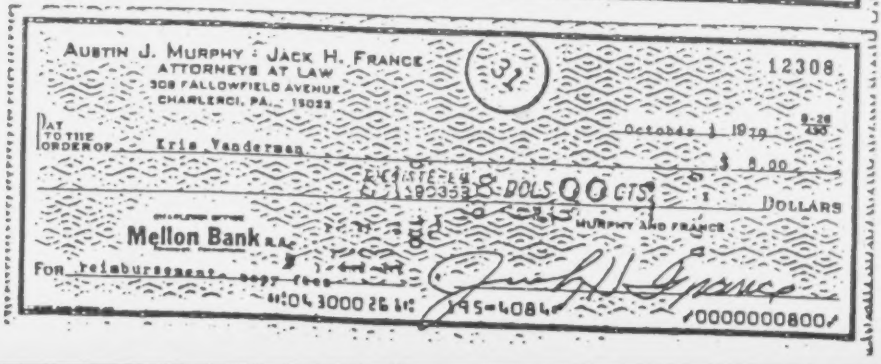
PAY TO THE ORDER OF Jack H. France October 3 19 79 $ 42.00

REGISTERED 42 DOLS 00 CTS DOLLARS

Mellon Bank N.A.

MURPHY AND FRANCE

For reimbursement - Xerox 486 copies 200 copies
:043000261: 195-4084 /0000004200/



AUSTIN J. MURPHY · JACK H. FRANCE
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308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12308

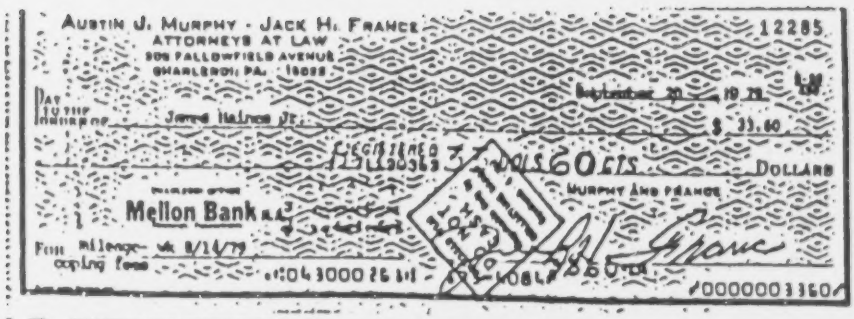
PAY TO THE ORDER OF Erie Vanderson October 1 19 79 $ 8.00

REGISTERED 8 DOLS 00 CTS DOLLARS

Mellon Bank N.A.

MURPHY AND FRANCE

For reimbursement - copy fees
:043000261: 195-4084 /0000000800/



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CHARLEROI, PA. 15022

12285

September 20 19 79

PAY TO THE ORDER OF James Haines Jr. $ 33.60

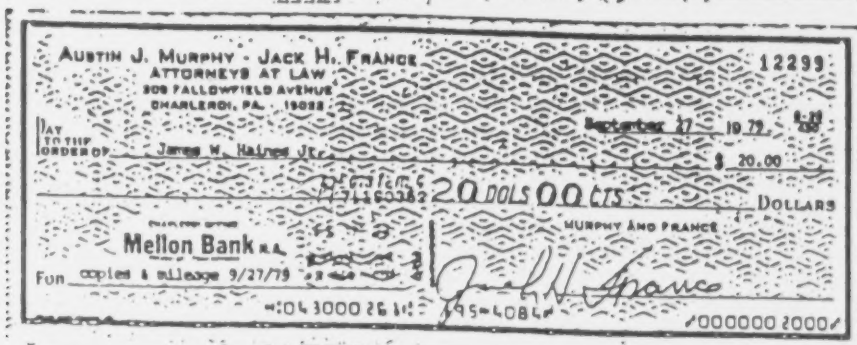
REGISTERED 37 DOLS 60 CTS DOLLARS

MURPHY AND FRANCE

Mellon Bank N.A.

For mileage - wk 8/14/79
copying fees

⑆043000261⑆ 195-4084 /0000003360/



AUSTIN J. MURPHY - JACK H. FRANCE
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308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12299

September 27 19 79

PAY TO THE ORDER OF James W. Haines Jr. $ 20.00

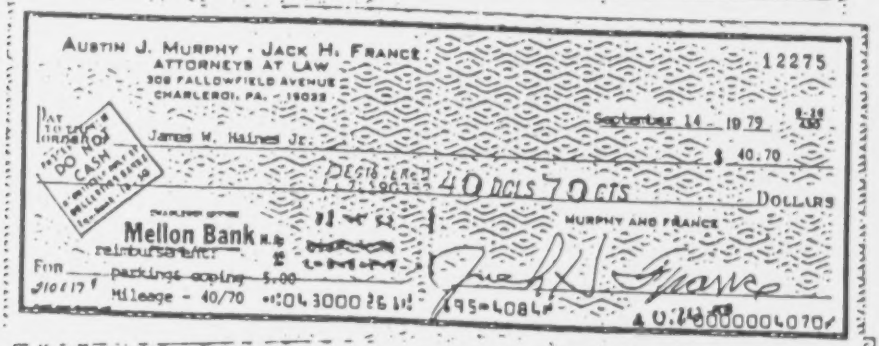
REGISTERED 20 DOLS 00 CTS DOLLARS

MURPHY AND FRANCE

Mellon Bank N.A.

For copies & mileage 9/27/79

⑆043000261⑆ 195-4084 /0000002000/



AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12275

PAY TO THE ORDER OF James W. Haines Jr. September 14 19 79 $ 40.70

DO NOT CASH

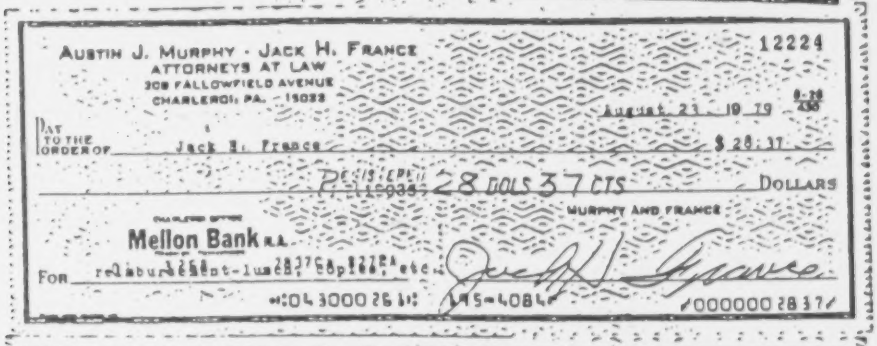
REGISTERED 40 DOLS 70 CTS DOLLARS

MURPHY AND FRANCE

Mellon Bank N.A.
reimbursement

For parkings copying 5.00
9/06/79 Mileage - 40/70

⑆043000261⑆ 195-4084 /0000004070/



AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12224

August 23 19 79

PAY TO THE ORDER OF Jack H. France $ 28.37

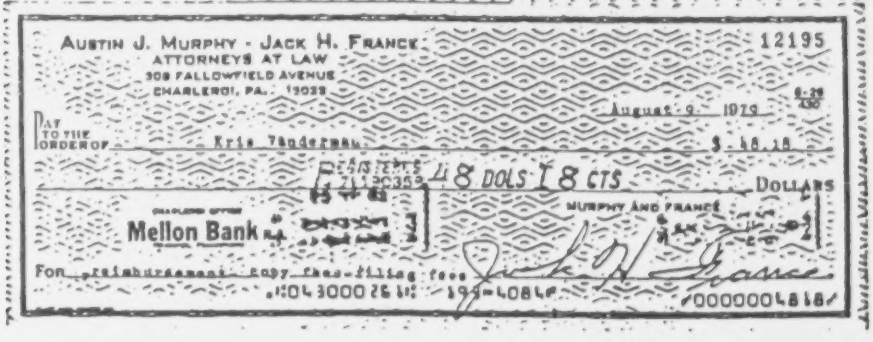
REGISTERED 28 DOLS 37 CTS DOLLARS

MURPHY AND FRANCE

Mellon Bank N.A.

For reimbursement-lunch 28.37 Sept. 1979 etc.

⑆043000261⑆ 195-4084 /0000002837/



AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

12195

August 9 1979

PAY TO THE ORDER OF Kris Vanderwall $ 48.18

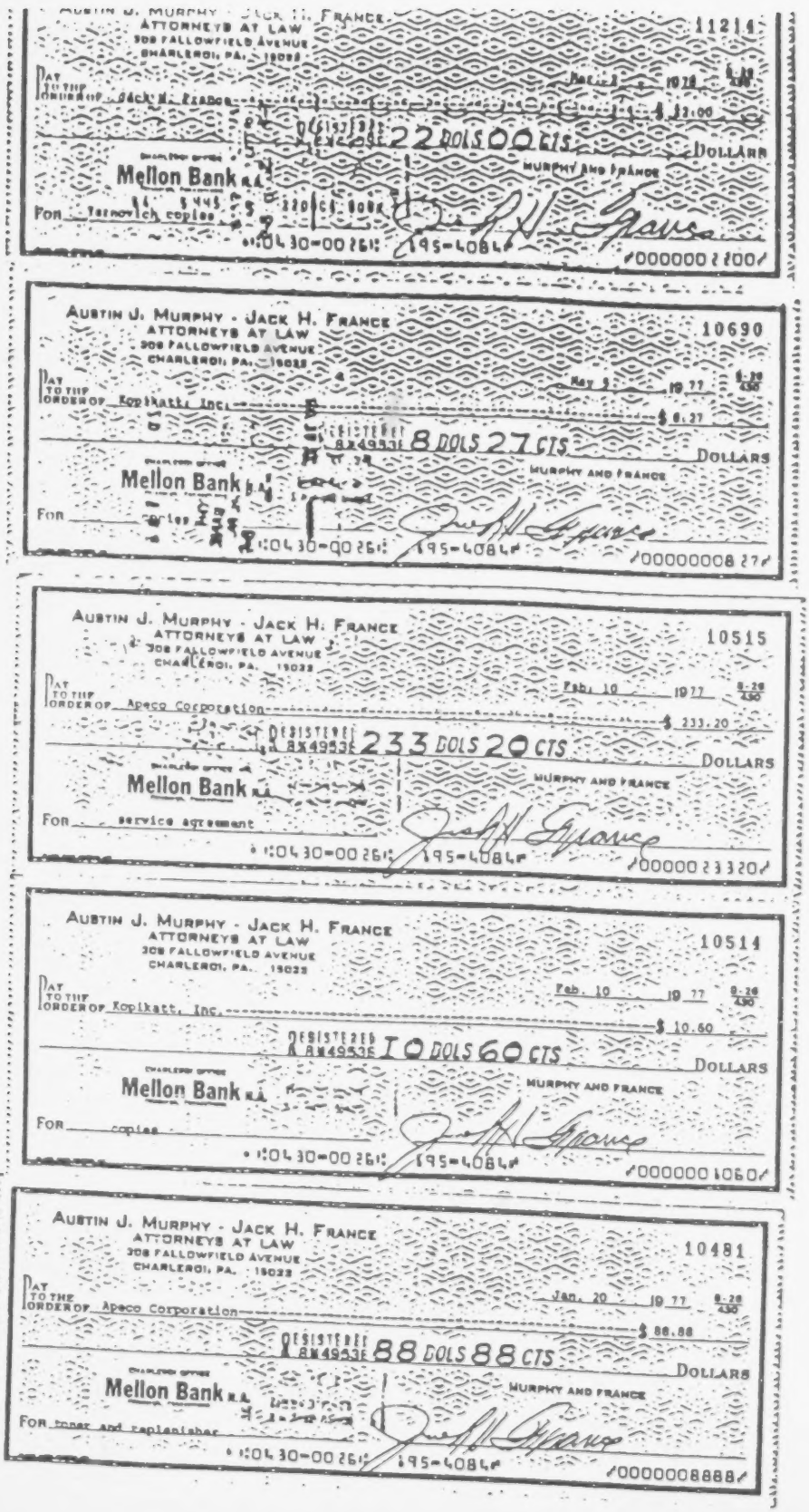
REGISTERED 48 DOLS 18 CTS DOLLARS

MURPHY AND FRANCE

Mellon Bank N.A.

For reimbursement - copy fees-filing fees

⑆043000261⑆ 195-4084 /0000004818/



AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

11214
Nov. 3 1976
PAY TO THE ORDER OF Jack H. France $ 22.00
DEPOSITED 22 DOLS 00 CTS DOLLARS
MURPHY AND FRANCE
Mellon Bank N.A.
For Yarnovich copies
:0430-00261: 195-4084 /000000 2200/

AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

10690
May 5 1977
PAY TO THE ORDER OF Kopikatt, Inc. $ 8.27
DEPOSITED 8 DOLS 27 CTS DOLLARS
MURPHY AND FRANCE
Mellon Bank N.A.
For copies
:0430-00261: 195-4084 /00000008 27/

AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

10515
Feb. 10 1977
PAY TO THE ORDER OF Apeco Corporation $ 233.20
DEPOSITED 233 DOLS 20 CTS DOLLARS
MURPHY AND FRANCE
Mellon Bank N.A.
For service agreement
:0430-00261: 195-4084 /00000 23320/

AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

10514
Feb. 10 1977
PAY TO THE ORDER OF Kopikatt, Inc. $ 10.60
DEPOSITED 10 DOLS 60 CTS DOLLARS
MURPHY AND FRANCE
Mellon Bank N.A.
For copies
:0430-00261: 195-4084 /000000 1060/

AUSTIN J. MURPHY - JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

10481
Jan. 20 1977
PAY TO THE ORDER OF Apeco Corporation $ 88.88
DEPOSITED 88 DOLS 88 CTS DOLLARS
MURPHY AND FRANCE
Mellon Bank N.A.
For toner and replenisher
:0430-00261: 195-4084 /00000008888/

AUSTIN J. MURPHY · JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

10467

Jan. 13 19 77

PAY TO THE ORDER OF C & D Graphics $166.50

ONE HUNDRED SIXTY SIX DOLS 50 CTS DOLLARS

Mellon Bank N.A.

MURPHY AND FRANCE

For copy paper

Jack H. France

:043000261: 195-4084 /00000166 50/

AUSTIN J. MURPHY · JACK H. FRANCE
ATTORNEYS AT LAW
308 FALLOWFIELD AVENUE
CHARLEROI, PA. 15022

10435

Dec. 30 19 76

PAY TO THE ORDER OF Olga O. Woodward, Recorder of Deeds $6.00

SIX DOLS 00 CTS DOLLARS

Mellon Bank N.A.

MURPHY AND FRANCE

For copies 12-21-76

Jack H. France

:043000261: 195-4084 /00000006 00/

Exhibit 3

CHARGES FOR XEROX USAGE OVER
METER ALLOWANCE

Service dates:	Payee	AMT	Description
5-31-77 to 6 30 77	Xerox	20.67	Charge for copies over meter allowance
7-31-77	Xerox	3.71	DO
11-30-77	DO	26.99	DO
1 31-78	DO	5.96	DO
1-27-78 to 2-27-78	DO	13.83	DO
1-31 78 to 2-28-78	DO	1.23	DO
2 28-78 to 3-31-78	DO	59.70	Charge for copies for Washington, PA
2-27-78 to 3-29-78	DO	15.23	Charge for copies for Washington, D.C
3 29 to 4-28, 1978	DO	101.91	Charge for over usage
4-27-78 to 4-30 78	DO	* 7.08	Charge for copies over meter allowance CHARLEROI
4-30-78 to 5 31-78	DO	* 139.36	Same as above-Charler
5-31-78 to 6-30-78	DO	* 4.90	Same as above-Charler
7-31-78 to 8-31 78	DO	63.31	Over usage
8-31 78 to 9 30-78	DO	106.09	DO
10-1-78 to 10 30-78	DO	62.86	DO
10 31-78 to 12-1-78	DO	21.95	DO
2-27-79 to 3-29 79	DO	2.27	DO
3-31-79 to 5-01-79	DO	16.32	DO
5-29-79 to 6-30 79	DO	55.50	DO
7-31 79 to 8.29-79	DO	5.24	DO
8-29 79 to 9-30-79	DO	16.91	DO

$758.82 TOTAL

* ONLY THREE SPECIFIC LISTINGS FOR OVER USAGE AT CHARLEROI OFFICE

$7.08, $139.36, and $4.90

TOTAL $151.34 *

...IVE
...PA 15220

412-922-5755

XEROX

Purchase Order Number
LA-6406
Special Reference

Contract Number
GS-00S-03061 ITEM 51-55
Terms and Conditions of Payment
4 %, 20 DAYS

...ADDRESS HAS CHANGED PLEASE CONTACT YOUR XEROX CUSTOMER SERVICE DEPARTMENT

Ship Furnished At
CONG AUSTIN MURPHY
U S HOUSE OF REPS
308 FALLOWFIELD AVE
CHARLIEROI
PA 15022
212

Bill To
OFFICE EQUIP SERVICE
U S HOUSE OF REPS
C/O XEROX CORP
1616 N FORT MYER DR
ARLINGTON
VA 22209

Invoice Date
05-28-8(
Invoice Number
063499165
Customer Number
84585720(

XEROX 3100 LDC SER.# 446-072567 RENTAL PLAN CP

				AMOUNT
MONTHLY MINIMUM CHARGE APRIL				180.00
METER USAGE	03-31-80	TO 04-30-80		
METER A	55745	59754	4009	
METER B	87620	95192	7572	
METER C	189	189	00	
TOTAL COPIES		7572		
LESS METER ALLOWANCE		3300		
NET BILLABLE COPIES		2700	.029400	79.38
NET BILLABLE COPIES		1572	.014700	23.11
NET USAGE CHARGE			102.49	102.49
CONSOLE STAND SER.# 543-010741				
SUB TOTAL				282.49
TOTAL				282.49

$180.00 OF THIS INVOICE HAS BEEN PAID FROM YOUR LEASING ALLOWANCES BY THE HOUSE OF REPRESENTATIVES. THE DIFFERENCE $102.49 IS DUE AND PAYABLE BY YOU. PLEASE SUBMIT PAYMENT WITH THE ATTACHED INVOICE TO THE ADDRESS AT THE BOTTOM RIGHT, AND KEEP A COPY FOR YOUR RECORDS.

PROMPT PAYMENT DISCOUNT ALLOWABLE ONLY WHEN PAYMENT IS MAILED WITHIN 20 DAYS OF RECEIPT OF INVOICE.

XEROX FEDERAL IDENTIFICATION # 16-046 9020

IMPORTANT — To Insure Proper Credit PLEASE DETACH THIS PORTION AND RETURN WITH YOUR REMITTANCE. — IMPORTANT

Ship Furnished At
CONG AUSTIN MURPHY
U S HOUSE OF REPS
308 FALLOWFIELD AVE
CHARLIEROI
PA 15022

Bill To
OFFICE EQUIP SERVICE
U S HOUSE OF REPS
C/O XEROX CORP
1616 N FORT MYER DR
ARLINGTON
VA 22209

Please Send Remittance To
Xerox Corp.
6th floor
1616 N. Ft. Myer Dr.
Arlington, VA 22209

Xerox DUNS Number	Check Digit	Customer Number	Invoice Number	Invoice Date
00-495-2326	2	845857200	063499165	05-28-80

PLEASE PAY THIS AMOUNT > Invoice Amount 102.49 ~~282.49~~

R015237
98 2125 DK54 371250620 B M2063 1721 3 115

202100008070060 0634991651 0300282494 284585720034

Initiating Office
Voucher Number
201954

UNITED STATES HOUSE OF REPRESENTATIVES
VOUCHER

#1

(Please Use Typewriter or Ballpoint Pen)

State ____ District ____ HON. [illegible], M.C.

DATE(S) OF SERVICES	PAYEE (Name, Address and Zip Code)	DESCRIPTION OF ARTICLES OR SERVICES (Include Quantity and Unit Price, if Applicable)	
(No.) (Day) (Yr.) TO (No.) (Day) (Yr.)	[illegible]	[illegible] PAYEE'S INVOICE NUMBER	(DO NOT WRITE IN THIS SPACE) AMOUNT $ 61.95
(No.) (Day) (Yr.) TO (No.) (Day) (Yr.)	[illegible]	[illegible] PAYEE'S INVOICE NUMBER	(DO NOT WRITE IN THIS SPACE) $ [illegible]
(No.) (Day) (Yr.) TO (No.) (Day) (Yr.)	[illegible]	[illegible] PAYEE'S INVOICE NUMBER	(DO NOT WRITE IN THIS SPACE) AMOUNT $ 7.00
(No.) (Day) (Yr.) TO (No.) (Day) (Yr.)		PAYEE'S INVOICE NUMBER	(DO NOT WRITE IN THIS SPACE) AMOUNT $
(No.) (Day) (Yr.) TO (No.) (Day) (Yr.)		PAYEE'S INVOICE NUMBER	(DO NOT WRITE IN THIS SPACE) AMOUNT $

GRAND TOTAL $ [illegible]

I certify (1) that the above articles have been received in good condition and are of the quality and in the quantity above specified, or services were performed as stated; (2) that they are in accordance with the orders therefor; (3) that the prices charged are just, reasonable, and in accordance with agreement; and (4) that they are for use in or by my office in the discharge of my duties.

2 [illegible] 2000
(Date)

(Member's signature)

XEROX

LA-12000

GS-00S-63685

4 %, 20 DAYS

412-922-5755

IF YOUR ADDRESS HAS CHANGED PLEASE CONTACT YOUR XEROX CUSTOMER SERVICE DEPARTMENT

Ship To:
HON AUSTIN MURPHY
U S HOUSE OF REPS
308 FALLOWFIELD AVE
CHARLEROI PA
15022

Bill To:
OFFICE EQUIPMENT
SERVICE
C/O XEROX CORP
1616 N FT MYER DRIVE
ARLINGTON, VA
22209

Invoice Date: 02-17-84
Invoice Number: 087779773
Customer Number: 085373728

XEROX 3300 MODEL B SER.# 903-065292 RENTAL PLAN CP

			AMOUNT
MONTHLY MINIMUM CHARGE	JANUARY		210.00
METER USAGE	12-30-83 TO 01-31-84		
COPIES	102660 108545	>885	
TOTAL COPIES	5885		
LESS METER ALLOWANCE	4825		
NET BILLABLE COPIES	1060 .013000	13.78	
NET USAGE CHARGE		13.78	13.78
SEMI-AUTO DOC HAND	SER.# 907-026947		
SUB TOTAL			223.78
PENNSYLVANIA TAX	6.00%		13.43
TOTAL			237.21

$210 FROM YOUR LESSOR'S ADVANCES BY THE ... DIFFERENCE ... IS $13.78 IS ... AND PAYABLE BY YOU.

PLEASE SUBMIT PAYMENT WITH ONE ATTACHED INVOICE TO THE ADDRESS AT THE BOTTOM RIGHT. AND KEEP A COPY FOR YOUR RECORDS.

PROMPT PAYMENT DISCOUNT ALLOWABLE ONLY WHEN PAYMENT IS MAILED WITHIN 20 DAYS OF RECEIPT OF INVOICE.

IMPORTANT — TO INSURE PROPER CREDIT PLEASE DETACH THIS PORTION AND RETURN WITH YOUR REMITTANCE — IMPORTANT

Ship To:
HON AUSTIN MURPHY
U S HOUSE OF REPS
308 FALLOWFIELD AVE
CHARLEROI PA
15022

Bill To:
OFFICE EQUIPMENT
SERVICE
C/O XEROX CORP
1616 N FT MYER DRIVE
ARLINGTON, VA
22209

Please Send Remittance To:
XEROX CORPORATION
1250 FAIRWOOD AVENUE
COLUMBUS OH 43207

Xerox Duns Number	Check Digit	Customer Number	Invoice Number	Invoice Date	Invoice Amount
00-495-2920-2		085373728	087779773	02-17-84	PLEASE PAY THIS AMOUNT > 13.78

RS017206 100183

98 1314 7J04 371250620 8 M1104 1821 1 115

>021000080700600 0877797735 0300237216 208537372898

Initiating Office
Voucher Number
424825

UNITED STATES HOUSE OF REPRESENTATIVES #2

VOUCHER

(Please Use Typewriter or Ballpoint Pen)

HON. , M.C.

State District

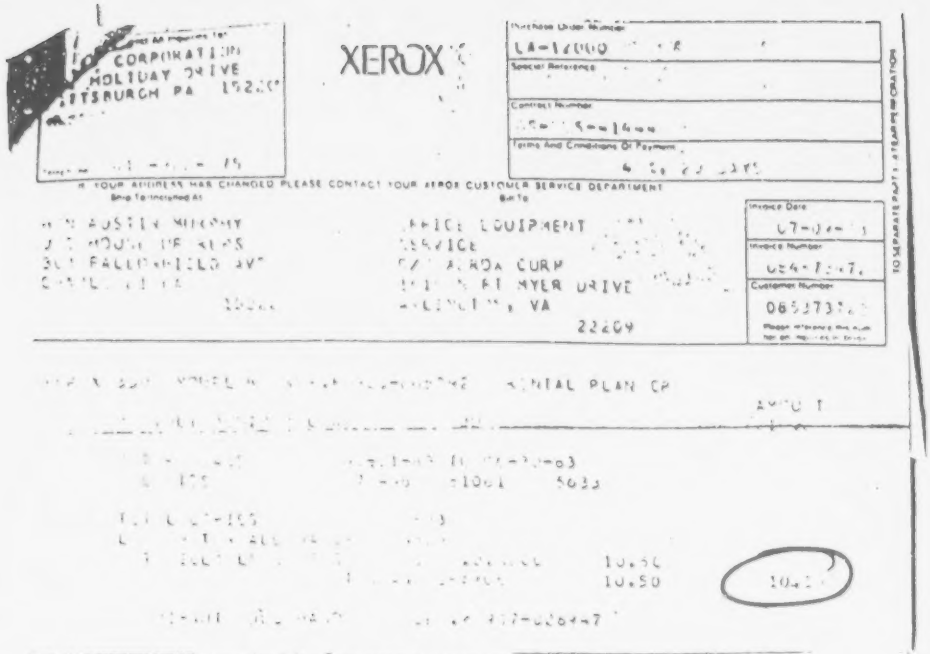
DATE OF SERVICE	PAYEE (Name, Address and Zip Code)	DESCRIPTION OF ARTICLES OR SERVICES (Include Quantity and Unit Price, if Applicable)	
		PAYEE'S SOCIAL SECURITY NUMBER	AMOUNT
		PAYEE'S SOCIAL SECURITY NUMBER	DO NOT WRITE IN THIS SPACE AMOUNT
		PAYEE'S SOCIAL SECURITY NUMBER	DO NOT WRITE IN THIS SPACE AMOUNT
		PAYEE'S SOCIAL SECURITY NUMBER	DO NOT WRITE IN THIS SPACE AMOUNT $150.16
		PAYEE'S SOCIAL SECURITY NUMBER	DO NOT WRITE IN THIS SPACE AMOUNT $42.50

GRAND TOTAL

I CERTIFY (1) that the above articles have been received in good condition and are of the quality and in the quantity above specified, or the services were performed as stated; (2) that they are in accordance with the orders therefor; (3) that the prices charged are fair, reasonable, and in accordance with agreement; and (4) that they are for use in or by my office in the discharge of my duties.

(Date) (Member's signature)

(DUPLICATE—Retain by Member)



Thank you for your prompt attention.

Sincerely,

XEROX CORPORATION

Yvonne Duncan

Yvonne Duncan
National Coordinator
Office Equipment Services

YD/pr/vh

Attachments

ıffiating Office
ıucher Number
406069

UNITED STATES HOUSE OF REPRESENTATIVES

VOUCHER

#3

(Please Use Typewriter or Ballpoint Pen)

ate District HON. , M.C.

DATE (S) OF SERVICES	PAYEE (Name, Address and Zip Code)	DESCRIPTION OF ARTICLES OR SERVICES (Include Quantity and Unit Price, if Applicable)	
(Date) (Yr.) TO (Date) (Yr.)			DO NOT WRITE IN THIS SPACE AMOUNT $
(Date) (Yr.) TO (Date) (Yr.)		$213.61 PAYEE'S INVOICE NUMBER	DO NOT WRITE IN THIS SPACE AMOUNT $
(Date) (Yr.) TO (Date) (Yr.)		PAYEE'S INVOICE NUMBER	DO NOT WRITE IN THIS SPACE AMOUNT $
(Date) (Yr.) TO (Date) (Yr.)		PAYEE'S INVOICE NUMBER	DO NOT WRITE IN THIS SPACE AMOUNT $
(Date) (Yr.) TO (Date) (Yr.)		PAYEE'S INVOICE NUMBER	DO NOT WRITE IN THIS SPACE AMOUNT $

GRAND TOTAL $325.61

I CERTIFY (1) that the above articles have been received in good condition and are of the quality and in the quantity above specified, or services were performed as stated, (2) that they are in accordance with the orders therefor, (3) that the prices charged are just, reasonable, and in accordance with agreement; and (4) that they are for use in or by my office in the discharge of my duties.

(Date) (Member's signature)

Exhibit 4

The following is the contents of a copy of a letter to House Administration dated October 13, 1978.

Enclosed you will find an Agreement executed by my former law partner and myself. At the present time there is no connection between the partnership, however, Mr. France is still making payments towards the purchase price as established in December 1976.

My query to you is, may I continue to rent office space from Mr. France, my former law partner, under the provisions relating to district office rental?

VTY

AJM

NINETY-FIFTH CONGRESS

FRANK THOMPSON, JR., N.J., CHAIRMAN

JOHN H. DENT, PA.
LUCIEN N. NEDZI, MICH.
JOHN BRADEMAS, IND.
AUGUSTUS F. HAWKINS, CALIF.
FRANK ANNUNZIO, ILL.
JOSEPH M. GAYDOS, PA.
ED JONES, TENN.
ROBERT N. GIAIMO, CONN.
LIONEL VAN DEERLIN, CALIF.
JOSEPH G. MINISH, N.J.
MICHAEL J. DAVIS, GA.
CHARLES RANGEL, N.Y.
JOHN L. BURTON, CALIF.
EDWARD W. PATTISON, N.Y.
LEON E. PANETTA, CALIF.
JOSEPH S. AMMERMAN, PA.

WILLIAM L. DICKINSON, ALA.
SAMUEL L. DEVINE, OHIO
JAMES G. FULTON, PA.
CHARLES E. WIGGINS, CALIF.
J. HERBERT BURKE, FLA.
BILL FRENZEL, MINN.
DAVE STOCKMAN, MICH.
ROBERT E. BAUMAN, CALIF.

WILLIAM O. PHILLIPS, STAFF DIRECTOR
ROBERT G. HOKE, GENERAL COUNSEL

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION
SUITE H-326, U.S. CAPITOL
Washington, D.C. 20515

October 27, 1978

Honorable Austin J. Murphy
United States Representative
House of Representatives
Washington, D. C. 20515

Dear Austin:

We are in receipt of your letter dated October 13th requesting guidance with respect to the district office you lease from your former law partner.

The intention of the Committee in adopting the provision in question was to prevent the fact or appearance of impropriety in the discretionary procurement of district office space. Since the partnership has been dissolved, it would appear that you no longer have a professional or legal relationship which would bring the continued leasing of the district office space within the limitations specified in Item 7, Page 122, of the Regulations.

With kind regards,

Cordially,

Frank Thompson Jr.

Frank Thompson, Jr.

FT:cho

RICHARDSON PREYER, N.C., CHAIRMAN
DONALD J. FLYNT, JR., GA.
FLOYD D. SPENCE, S.C.
DANIEL B. CRANE, ILL.
LOUIS H. WYMAN, N.H.
WALTER FLOWERS, ALA.
DAVID W. DENT, PA.
GERRY E. STUDDS, MASS.
EDWARD L. MADIGAN, KY.
CHARLES E. WIGGINS, CALIF.
FLOYD A. CEDERBERG, MICH.
MARGARET M. HECKLER, MASS.
BILL FRENZEL, MINN.
TOM CORCORAN, ILL.
HAROLD S. SAWYER, MICH.

U.S. House of Representatives
SELECT COMMITTEE ON ETHICS
Washington, D.C. 20515

November 1, 1978

5566 House Annex 2
Phone: (202) 225-7103
STAFF DIRECTOR
DONALD F. TERRY
CHIEF COUNSEL
DORIS CHERTKOV
MINORITY COUNSEL
JOHN E. MERCER

NOV 30 1978

Hon. Austin Murphy
1118 Longworth HOB
Washington. D.C.

Dear Austin:

This is in reply to your letter of October 13, 1978, wherein you request an advisory opinion concerning the application of House Rules to the income you receive pursuant to an agreement terminating your interest in a law firm.

The applicable House Rules in this situation are Rule XLVII, the limitation on outside earned income, and Rule XLIV, the financial disclosure requirements. Your letter indicates that the agreement executed in 1976 terminates your law partnership and liquidates your interest in the firm. Since you are no longer performing services for this law firm and the income you receive is compensation for services rendered prior to effective date of the Rule (January 1, 1979), that income is not subject to the limitation. For your information, the Select Committee has recently issued an Advisory Opinion interpreting Rule XLVII, which is enclosed for your convenience.

The income received pursuant to your buy-out agreement would, of course, be subject to the disclosure provisions of Rule XLIV, which require annual reporting of the source and amount of any income which exceeds $100 from one source.

You also ask whether you may continue to rent office space from your former law partner. There is no provision in House Rules which would preclude such an arrangement, and we note that the House Administration Committee, which has jurisdiction over such matters, has approved the lease agreement.

With best wishes,

Sincerely,

RICHARDSON PREYER,
Chairman

CHARLES E. WIGGINS, Ranking
Minority Member

Enclosure

AUGUSTUS F. HAWKINS, CALIF., CHAIRMAN
FRANK ANNUNZIO, ILL.
JOSEPH M. GAYDOS, PA.
ED JONES, TENN.
DONALD M. FRASER, MINN.
JOSEPH G. MINISH, N.J.
CHARLES ROSE, N.C.
JOHN L. BURTON, CALIF.
LEON E. PANETTA, CALIF.
(ON LEAVE)
WILLIAM H. GATHINGS, ILL.
AL SWIFT, WASH.
WILLIAM A. BOYLE, PA.
PHIL CRANE, ILL.
WILLIAM L. DICKINSON, ALA.
ROBERT E. BADHAM, CALIF.
BOB GUDGER, N.C.
WILLIAM M. THOMAS, CALIF.
BARRY M. GOLDWATER, JR.
JAMES D. COLLINS, TEX.
STAN GRIFFIN, GA.
JOHN G. SUTTY
STAFF DIRECTOR AND CHIEF COUNSEL

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION
SUITE H-326, U.S. CAPITOL
Washington, D.C. 20515

May 18, 1982

The Honorable Austin J. Murphy
204 Cannon House Office Building
Washington, D. C. 20515

Dear Austin:

Thank you for your letter of April 28, 1982, inquiring into the application of Regulation 7 on page 54 of the Congressional Handbook, and your prospective professional consulting relationship with your former law partner, who currently leases you space for your congressional district office.

The purpose of the regulation was to promote both the fact and the appearance of propriety in the use of appropriated funds to pay for leased office space. It was the Committee's intention to discourage situations which might be characterized as self-serving, or which might appear to constitute the use of one's official position to receive, directly or indirectly, compensation or benefits.

Under the circumstances described in your letter, it would appear that such a situation is remote. As long as the congressional office space and services are negotiated at arms-length and in good faith, and at rates comparable to other proximate rental properties, the Committee would have no objection to such an arrangement.

With best personal regards,

Sincerely,

Augustus F. Hawkins
Chairman

AFH:chj

CTH - Ethics Ctte?

AUSTIN J. MURPHY
[illegible] District, Pennsylvania

[illegible]

EDUCATION AND LABOR
SELECT EDUCATION, CHAIRMAN
LABOR STANDARDS
HEALTH AND SAFETY

INTERIOR AND INSULAR AFFAIRS
ENERGY AND ENVIRONMENT
MINES AND MINING

VETERANS' AFFAIRS

Congress of the United States
House of Representatives
204 Cannon Building
Washington, D.C. 20515
(202) 225-4665

DISTRICT OFFICES:
[illegible]
(412) [illegible]

[illegible]
(412) [illegible]

[illegible]
(412) [illegible]

[illegible]
(412) [illegible]

[illegible]
(412) [illegible]

April 28, 1982

The Honorable Gus Hawkins
Chairman, Committee on
House Administration
H-326 The Capitol
Washington, D.C. 20515

Dear Chairman Hawkins:

I would like to have the House Administration Committee's opinion regarding the following:

When I entered Congress five years ago, I sold my legal practice, books, records, files, etc. to Attorney Jack France in Charleroi, Pennsylvania. Since that time I have rented office space from Attorney France in an adjacent building as I desired to continue having my Congressional Office in the same community and vicinity that I maintained my legal offices as well as my state legislative offices consecutively for a period in excess of twenty years. I felt that my constituents could easily locate my office in the three hundred block of Fallowfield Avenue, Charleroi.

Mr. France occupies a building, owned by him, next door to the one I rent from him where he conducts a law practice.

Mr. France has requested that I join his firm as a consultant. I do not believe he has any federal clients that are immediately connected with the federal government. I have advised him of that restriction.

Can you advise me whether under the Rules of the House, I may rent office space from Mr. France in light of Regulation 7 on page 54 of the Congressional Handbook.

Your opinion would be greatly appreciated.

Very truly yours,

RECEIVED
MAY -4 AM 7:51
COMMITTEE ON ADMIN.

Austin J. Murphy
Member of Congress

AJM:dlt

Exhibit 6

STATEMENT
OF
CLARENCE LUPTON
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

My name is Clarence Lupton. Since 1980, I have owned and operated a restaurant in Hilton Head, South Carolina known as the Harbour Town Grill which is located at 11 Lighthouse Lane, Hilton Head, South Carolina 29928.

I am submitting this statement voluntarily and it is based on personal knowledge acquired during my experience as a businessman and restaurant owner.

I have recently become aware that a copy of an American Express Charge Card receipt from my restaurant has become the evidentiary basis for an allegation of voting irregularity by a Member of Congress.

My first knowledge of this incident came from being contacted by the staff of the investigating committee. As I understand the circumstances of the case, Congressman Austin J. Murphy of Pennsylvania is alleged to have permitted another Member of Congress to vote on the Floor of the House in his behalf on May 27, 1982 while he was away from Washington, DC. It is my further understanding that the evidence that is being relied on to establish the Congressman's whereabouts on that date is a dated charge card receipt from the Harbour Town Grill. I also understand the Congressman believes he ate lunch at the Harbour Town Grill between 11:00 a.m. and 1:00 p.m. on the next day, May 28, 1982.

As I am no longer required to keep records from 1982, my business records for that period have been discarded. Consequently, I cannot provide any documentary corroboration for the committee's allegation or the Congressman recollection.

However, a receipt of that kind is not always an accurate reflection of the date on which a transaction has transpired.

Failing to advance the date on one or both of our card imprinting machines is a reoccurring business problem. To the best of my knowledge this problem is fairly common in the credit card industry. Despite diligent efforts to see that my business is run smoothly, there have been occasions, especially early in a business day, when a card imprinter stamps a date other than the date of service, usually a prior date. Such problems are quickly corrected when discovered by myself or my staff or when brought to our attention by patrons.

Occasionally patrons have disputed credit card charges due to an inaccurate date. In one recent situation, a patron from Atlanta was billed for service on a date that happened to be his birthday. Since he was attending a large family party in his home city on that date he knew the bill was wrong. Our investigation revealed one of our imprinting machines had not been advanced for four days. Thus, such receipts may be relied upon only for proof that appropriate service was rendered on or about the date in question.

I was previously interviewed by the staff of the Ethics Committee regarding the information provided in this affidavit.

CERTIFICATION

I, Clarence Lupton, certify to the House Committee on Standards of Official Conduct, under penalty of perjury, that the foregoing is truce and correct.

Clarence Lupton sworn

Clarence Lupton

APPENDIX D

UNITED STATES HOUSE OF REPRESENTATIVES
Committee on Standards of Official Conduct

In the Matter of :
:
REPRESENTATIVE AUSTIN J. MURPHY, JR. :
Respondent :

RECEIVED
1987 OCT 20 PM 2 35
OFFICE OF
PROCESSED BY

MEMORANDUM OF COMMITTEE COUNSEL IN RESPONSE TO RESPONDENT'S OBJECTIONS AND ANSWER TO THE STATEMENT OF ALLEGED VIOLATIONS

On September 23, 1987, the Committee on Standards of Official Conduct (the Committee) issued a six-count Statement of Alleged Violations against Representative Austin J. Murphy, Jr. of Pennsylvania.

On October 16, 1987, Representative Murphy filed, through counsel, Respondent's Objections and Answer to the Statement of Alleged Violations. Respondent "does not admit" (Respondent's Objections and Answer, page 4) and objects to Counts One and Two on the grounds that they fail to state facts which constitute a violation of the Code of Official Conduct or other applicable law, and asserts that they "must be dismissed" (Respondent's Objections and Answer, page 6). Respondent denies Counts Three through Six, offering evidence in support of his position.

When the Committee agreed to the Statement of Alleged Violations, it determined for each count "that there is reason to believe that a violation occurred" (Committee Rule 11(b)). It did so on the basis of a staff report containing a comprehensive summary of the information received in the Preliminary Inquiry. (Committee Rule 11(a), last paragraph.) Under Committee Rules 12(e)(1) and 16(a), a disciplinary hearing may be held for the

purpose of receiving evidence upon which to base findings of fact. At such a hearing, the burden of proof rests on the staff to clearly and convincingly establish the facts of each count by the evidence it introduces (Committee Rule 16(e)).

Respondent's Objections and Answer complains about the manner in which the Committee conducted the Preliminary Inquiry, but does not suggest that the Committee proceeded improperly under its own or House Rules. Faced with the prospect of gathering a large amount of evidence and a desire that the investigation not be unduly delayed, a decision was made to secure evidence by subpoena. Demanding production of evidence and the appearance of witnesses avoided the inquiry being delayed by negotiations over the scope of records to be provided or the timing of testimony. A letter posing a series of questions was sent by Committee staff to Representative Murphy on July 1, 1987, with the request that he submit his answers under oath. His attorneys asserted that the staff lacked authority to make such a request, however, and submitted unsworn responses on his behalf on July 17, 1987. Representative Murphy exercised his right to make an oral presentation before the Committee on July 29, 1987, pursuant to Committee Rule 11(a)(2)(A).

In Committee Counsel's view, neither the legal arguments nor the selective use of evidence in Respondent's Objections and Answer warrant a decision by the Committee not to hold a disciplinary hearing. In fact, Respondent's own submission, while purporting to deny the charges, is replete with admissions. Indeed, the ultimate statement in the Respondent's

Objections and Answer of October 16, 1987, is not a denial. Rather, it is an assertion that "whatever errors were made" were inadvertent, understandable, and unintentional (Respondent's Objections and Answer, page 26).

It is the recommendation of Committee Counsel, for the reasons set forth below, that the Committee hold a disciplinary hearing on each of the violations charged in the Statement of Alleged Violations, notwithstanding Respondent's objections and denials.

COUNTS ONE and TWO

No investigation may be undertaken by the Committee of any alleged violation of law, rule, regulation or other standard of conduct not in effect at the time of the alleged violation. See, Rule X, clause 4(e)(2)(C) of the Rules of the House of Representatives and Rule 12(a)(2) of the Committee Rules of Procedure. Respondent argues that Rule VIII, clause 1, of the Rules of the House of Representatives, as in effect in 1978, did not prohibit a Member from permitting another person to cast votes in his name on the floor of the House of Representatives at times when he was not present in the Hall of the House.

Clearly, if the Committee had accepted the proposition advanced by Respondent, it would not have included the issue of voting in the June 23, 1987, Resolution of Preliminary Inquiry regarding Representative Murphy. Specifically, the Committee was expressly aware that allegations of 1978 voting irregularities had been raised in the media and that the matter of voting anomalies was addressed in a 1980 Committee report. Had the

Committee determined at that time that the allegations, even if true, did not constitute violations of House Rules in effect in 1978, it would have not included such matters in the Preliminary Inquiry.

In response to Committee staff's written questions to Representative Murphy, his attorneys did not deny or confirm that there were instances of Representative Murphy's vote being cast on the floor of the House when he was not present, but asserted that "no matter what the actual facts might be," the practice was not prohibited by the House Rules in 1978. Despite this protest, charges of "ghost voting" in 1978 were carried forward to the Statement of Alleged Violations. The fact that the Committee determined to include the allegation in both the Resolution of Preliminary Inquiry and Statement of Alleged Violations evidences its view that the issue of 1978 "ghost voting" is a violation of House Rules.

Nevertheless, if the Committee chooses to review Respondent's argument, Committee Counsel submits that it is without merit. The Committee does have authority to pursue these two counts in a disciplinary hearing.

I. The Rule prohibited a Member from permitting another to cast his vote on the floor of the House in 1978.

A. The language of the Rule was straightforward.

House Rule VIII, clause 1, provided as follows in the Ninety-Fifth Congress (H. Res. 5, January 4, 1977):

> Every Member shall be present within the Hall of the House during its sitting, unless excused or necessarily prevented; and shall vote on each question put, unless he has a

> direct personal or pecuniary interest in the event of such question. (Emphasis added.)

The clause is derived from a rule adopted April 7, 1789, (1 The Debates and Proceedings of the Congress of the United States, First Congress, First Session, p. 99), which provided: "No Member shall vote ... in any case where he was not present when the question was put."

B. The Rule was supported by House precedent.

On March 5, 1930 (Congressional Record, 91st Congress, 2d session, p. 4829), Representative Luther A. Johnson of Texas, made a parliamentary inquiry as to whether he could sign a discharge petition on behalf of an absent Member. Speaker Nicholas Longworth's reply was, in part, as follows:

> While it is true that in some cases Members are authorized to vote while absent in committee proceedings, the Chair thinks that it is purely a matter of courtesy with the committee. It is not a question of the rules of the House at all. There is no rule that the Chair knows of in the House of Representatives for any sort of proxy. No man can transfer his vote or permit another Member to vote for him ... . A Member must vote in person. (Emphasis added.)

C. A procedure was specified for proxy voting in committee, but not on the floor.

Provisions of the House Rules on the same subject area should be construed together. See, Sutherland, Statutory Construction, §§51.01-51.02, regarding legislation in pari materia. House Rule X, clause 2(f) has provided since 1971 for the casting of proxy votes in committee, but only upon written rule adopted by the committee. Further, a Member's proxy authorization was (and continues to be) required to be in writing

and be limited to a specific measure. Neither in 1978, nor at any other time, was any authority or procedure delineated for casting a vote by proxy on the House floor. Under a maxim of legislative construction, expressio unius exclusio alterius est, where a form of conduct and the manner of its performance are specified, other manners of proceeding are excluded. See, Sutherland, Statutory Construction, §47.23. Thus, the failure of the House to enact in its Rules authority and a procedure for proxy voting on the floor, where such voting had been provided for committees, reflects the clear intent that proxy voting on the floor was not permissible.

D. The concept of ex post facto rules is not applicable.

As House Rule VIII prohibited proxy voting on the floor in 1978, there is no issue regarding ex post facto ethical rules (Respondent's Objections and Answer, page 5). This is not a case of an act which was considered acceptable at the time being made a violation after the fact. As noted above, when allegations regarding the Respondent were first published, the only dates suggested were 1978. The decision by the Committee to proceed with a Preliminary Inquiry should have placed Respondent on notice that the practice was considered unacceptable ab initio. While the quotation from Representative Price (Respondent's Objections and Answer, page 5) is legally correct, it was made in 1968 in the context of adoption of the Code of Official Conduct, not House Rule VIII.

II. The Respondent's reliance on the Committee's 1980 Voting Anomalies Report is incorrect.

The Committee investigated two 1979 instances of Members' votes being cast by another. The results of that inquiry are contained in Study and Analysis of the Voting Anomalies in the House of Representatives on May 14 and July 30, 1979, House Report 96-991, May 15, 1980 (hereinafter cited as "Voting Anomalies Report"). While the Committee found that House Rules on voting then in effect were "ambiguous," Respondent's reliance on the report as evidence that the House Rules permitted proxy voting is misplaced. The facts underlying the Voting Anomalies Report can be easily differentiated from Respondent's situation in several respects.

A. The Members raised the issue promptly with the House.

The 1979 instances of votes being improperly cast were called to the attention of the House by the Members who were not present when someone else voted for them. They denied under oath permitting any other person to cast votes on their behalf and requested that the matter be investigated. The Respondent, on the other hand, took no action to call to the attention of the House the fact that his vote had been cast when he was not present or otherwise disclaim the voting as unauthorized. Furthermore, there has been no suggestion by the Respondent of a lost or stolen voting card or a voting system defect.

B. The focus was on how the votes were improperly cast.

The investigation of the 1979 incidents did not focus on whether either of the Members concerned may have permitted his

vote to be cast by another. Instead, the Committee undertook to determine how the incidents occurred. First investigated was whether there was a failure in the electronic voting system. Then the Committee sought, through interviews and statistical analysis, to identify who may have cast the Members' votes. The Committee decided not to file formal charges in large part because purely statistical evidence was not deemed sufficient without physical corroboration.

III. The 1981 addition of clause 3 to Rule VIII was clarifying, not amendatory.

In the Voting Anomalies Report, the Committee acknowledged that no Rule expressly prohibited proxy voting on the House floor (p. 3), but never asserted that the practice was proper. In fact, the Committee viewed "any willful abuse of the Electronic Voting System as a most serious matter" (p. 13). The Committee also took note of House precedent against proxy voting. The report spoke of the Rules being "ambiguous" and "not sufficiently specific" (p. 1), but also noted "a fairly common understanding that Members should be present to cast their vote" (p. 13). The Committee recommended that the Rules be amended to make clear what had been understood. It was also suggested that the Committee would be willing to file formal charges and recommend disciplinary action even if the Rules were not amended (p. 13).

IV. To the extent that the Committee's 1980 Voting Anomalies Report is deemed to have suggested that proxy voting was not a violation, the prior position should be reversed.

Two Committee members filed supplemental views to the Voting

Anomalies Report, asserting that the absence of an explicit House rule prohibiting proxy voting did not mean the practice was acceptable.

The requirement that every Member must give his vote one way or another is consistent with English parliamentary law. See, Jefferson's Manual, 100th Congress, §505. The importance of voting and Members being held accountable for their own decisions is recognized in Article I, section 5, clause 3, of the U.S. Constitution, where it is provided that "the Yeas and Nays of the Members of either House on any question shall, at the desire of one fifth of those present, be entered on the Journal." Indeed, rulings of the Speaker have recognized that voting is part of a Member's constitutional right to represent his constituency. See, e.g., V Cannon's Precedents of the House of Representatives §5956. Both Speakers Albert (121 Congressional Record 38135, Dec. 2, 1975) and O'Neill (125 Congressional Record 3748, March 1, 1979) have expressed doubt that the Speaker has authority "to deprive the Constitutional right of a Member to vote ... ."

To the extent the 1980 Voting Anomalies Report suggests otherwise, the Committee should make clear that this is not its position. Voting on the floor is an essential obligation of a Member of the House of Representatives which should not be delegated. Reversal does not prejudice Representative Murphy since his actions were not based on the 1980 Report; i.e., the Committee should proceed as if the 1980 Report does not exist. Counts One and Two should not be dismissed, but a disciplinary hearing held on them.

At such a hearing, Committee Counsel would offer sworn statements, official records, and other tangible evidence. The evidence will prove beyond any doubt that on July 14, 1978, Representative Murphy served as Master of Ceremonies at the swearing in ceremony for Judge Samuel Rodgers at 10:30 a.m. in Washington, Pennsylvania. He could not have personally cast votes on the House floor in his name beginning at 10:23 a.m. that date. The evidence will also demonstrate that on August 9, 1978, at approximately 11:00 a.m., Representative Murphy attended a groundbreaking ceremony in Carmichaels, Pennsylvania, and could not have cast certain of the votes cast in his name on that day.

COUNT THREE

Respondent denies that he permitted his vote to be cast by someone else on May 27, 1982. Respondent's Objections and Answer states (page 7) that Respondent was in Washington, D.C., but missed votes because he had to make arrangements for a slip for his sail boat, which was due to arrive in "several days." He is then said to have missed the last two votes while he traveled by car to Hilton Head, South Carolina. Respondent further asserts that an American Express charge at the Harbor Town Grill in Hilton Head erroneously appears to indicate he was there on May 27, when in fact he was there on May 28, because the credit card imprint machine date had not been changed.

A close examination of the facts asserted by Respondent call into question their credibility. According to the scenario posed in Respondent's Objections and Answer, Representative Murphy probably got up no later than 11:00 a.m. in order to make the

first vote cast in his name at 11:50 a.m. on May 27, 1982. He then left after he voted at 4:37 p.m., drove to Rosehaven, Maryland to check out in the evening a slip for his boat (which did not arrive until several weeks, as opposed to several days, later). Following an approximately five-hour round trip, he returned to the House of Representatives in order to vote at 11:03 and 11:56 p.m., whereupon he left to drive again -- this time for eleven hours all night to Hilton Head, South Carolina. After being up for approximately 24 hours, Representative Murphy arrived at the Harbor Town Grill in Hilton Head and ate a meal costing $64.01, before going to the home of Lou Ruscitto, where he stayed.

The American Express bill in question, which would be introduced into evidence at a disciplinary hearing, is, in fact, dated May 27, 1982. Respondent's assertion that the date on the credit card imprint machine was incorrect is supported only by conjecture. The affidavit of Clarence Lupton that such omissions occur frequently at the Harbor Town Grill is not evidence that it happened on May 27, 1982. Further, the Harbor Town Grill opens at 7:00 a.m. for breakfast, and it is reasonable to conclude that any error would have been discovered before one-third of the business day had passed. Committee staff interviewed with Mr. Lupton by phone during the Preliminary Inquiry and asked about the possibility of the date being incorrect. He said there was no way he could know now whether the print wheel was in error at some point in 1982.

Representative Murphy did disclose hospitality from Mr.

Ruscitto on the Financial Disclosure Statement for 1982 filed pursuant to the Ethics in Government Act. However, no specific date is indicated and the entry is not dispositive of what happened on May 27th.

At a disciplinary hearing, staff would introduce into evidence a copy of what staff understands to be Representative Murphy's personal appointment book for May 24-27, 1982. It includes notations, apparently in Representative Murphy's handwriting, regarding the progress of his boat up the Intracoastal Waterway, as well as how he voted on the floor of the House those days. A former employee of Representative Murphy who kept track of instances when the congressman's vote was allegedly cast by someone else, would testify under oath to his belief that the notations on the calendar were a reconstruction by Representative Murphy to prepare for a possible press inquiry.

The very fact of disagreement on the underlying facts mitigates in favor of a disciplinary hearing on Count Three to determine if the allegation can be proved by evidence which is clear and convincing to the Committee.

COUNT FOUR

Respondent denies that he permitted resources to be diverted from his Charleroi, Pennsylvania, congressional district office to the law firm of Murphy and France. In support of his position, Respondent cites selectively from depositions of staff members and associates also represented by his attorneys. The thrust of Respondent's "denial" is in reality an admission that a diversion of official resources occurred, but that the diversion

should be excused because such instances were isolated, de minimis, and offset by assistance the law firm provided to the congressional office. The provision of services to the congressional office by the law firm, that would violate House Rule XLV. See, Advisory Opinion No. 6 of the Select Committee on Ethics, 95th Congress, House Report 95-1837, p. 64. The Committee should not allow one violation of House Rules to be offered in mitigation of another.

Respondent's Objections and Answer further suggests (pages 11, 14, 15-16) that Respondent should not be held responsible for activity which he did not know of or direct. Committee Counsel argues that a Member must bear responsibility for the actions which are under his ultimate authority and should not escape liability by attempting to blame his staff. This is particularly true where, as here, and contrary to Respondent's assertions, Committee Counsel is prepared to offer evidence that the diversion was systematic and substantial. Furthermore, Respondent's current and former staff testified that Representative Murphy was very aware of what was occurring in his district offices and that he had an excellent understanding about what his staff were doing.

The selective citation from depositions in Respondent's Objections and Answer does not provide the Committee with a true sense of the nature or extent of the diversion of official resources which occurred. Representative Murphy's Charleroi, Pennsylvania, district office was located in the same building as the law office of Murphy and France from January 1977 until 1980

or 1981. After that, the congressional office moved into the building immediately next door, which was connected to the law firm by an inside door.

Representative Murphy's former law partner, Jack France, admitted under oath (France deposition, pages 60-65), that when the congressional office got its own copier, the law office copier was moved to the basement for storage. From that time until the law firm got its own copier in 1986 -- approximately nine years -- the law firm's on-premises copying was done on the congressional photocopier. (Records from the General Services Administration and Clerk of the House indicate that the congressional office received its photocopier in May 1977.) Mr. France could not recall if the law firm also used official supplies. Committee Counsel can offer sworn testimony that official supplies were used for law office photocopying.

Respondent offers copies of certain canceled law firm checks, and $758.82 representing copier machine overcharges as evidence that the law firm's copying was largely undertaken off-premises and that use of the congressional copier was minimal. Neither of these items prove anything about the extent of the law firm's use of the congressional photocopier. Many of the checks are reimbursements for a combination of expenses incurred, so copy charges cannot be broken out separately. It also appears that some of the checks are to public offices for copies of official documents, not routine law firm photocopying. If the checks are to stand for what Respondent suggests, then the law firm's copying expenses in 1985 were only $9.22. Not mentioned

by the Respondent is the fact that total monthly charges for the congressional office photocopier over the nine years in question exceeded $20,000.

Mr. France (France deposition, page 16-17) and others testified that when the law office and congressional office were in the same building, they used the same receptionist, who also answered phones for both the law firm and the congressional office. Committee counsel can demonstrate that the same person who served in this capacity for the law firm, converted to a congressional employee in 1977, thus saving the law firm her salary of more than $30,000 until the time the congressional office moved into the adjacent building.

Committee counsel can introduce evidence at a disciplinary hearing that the law firm not only used photocopy services, furniture and supplies of the congressional office with the knowledge of congressional staff, but also made use of official long distance telephone lines for law firm business until as late as 1983.

Committee Counsel would also call into question the accuracy of the recollection of certain individuals on whose testimony Respondent relies. Ms. Karen Mollenauer, for example, testified, contrary to Mr. France's statement, that the law firm always had its own photocopy machine (Mollenauer deposition, pages 14, 40). Moreover, in the course of her testimony she had difficulty accurately recalling certain ongoing activities. For example, she at first indicated that she always prepared Representative Murphy's Federal Election Commission reports at her home

(Mollenauer deposition, page 50), but when asked what kind of typewriter she had there, remembered that she typed the reports at the office.

In a number of other instances, individual recollections under oath differ, on both this and other counts. A disciplinary hearing would provide the Committee with the opportunity to evaluate the totality of the evidence in a proper context and exercise its judgment on the accuracy of conflicting testimony.

COUNT FIVE

Respondent denies that he had a professional or legal relationship with Jack France and Marlene France such that rental of the district office from them would be viewed as a violation of Committee on House Administration Regulations. Respondent's Objections and Answer reflects a correct understanding of the charge in that it focuses on payments received by Representative Murphy purportedly pursuant to his buyout agreement for the law firm. Respondent points out that rental of the office from Mr. France was approved by the Committee on House Administration, and asserts that buyout payments were incorrectly reported on his Financial Disclosure Statements as earned income. Committee Counsel would demonstrate that not only the payments made by Mr. France, but also other factors not known to the Committee on House Administration when they approved the arrangement, suggest a continuing professional or legal relationship between Respondent and both Jack France and his wife, Marlene.

Representative Murphy executed leases for his district office at 308, then 306 Fallowfield Avenue, Charleroi,

Pennsylvania, both of which were owned by Jack and Marlene France at the time the leases were entered into. In October 1978, Representative Murphy submitted his written agreement terminating his law partnership to the Committee on House Administration, and inquired as to whether he could continue to rent office space from his former law partner, Jack France. That Committee stated its policy of avoiding the fact or appearance of impropriety in the discretionary procurement of district office space. "Since the partnership has been dissolved," said Committee Chairman Frank Thompson, Jr., "it would appear that you no longer have a professional or legal relationship" with Mr. France (emphasis added).

Mr. France testified that an oral modification to the dissolution agreement, for the making of "discretionary payments" to Representative Murphy, was made in 1977, shortly after execution of the original written agreement (France deposition, page 7). He further stated that payments were made at his (Mr. France's) discretion, in unspecified amounts, at unspecified times, and were not based on any formula, but were paid to Respondent because of income which Mr. France continued to receive from certain municipal clients, after Representative Murphy left the firm. (France deposition, pages 7-8, 43-45, 53).

In a July 17, 1987, response to questions from Committee staff, Representative Murphy's attorneys stated on his behalf that an oral modification was made in 1982 to the agreement dissolving his partnership with Jack France to provide for payment of "additional residuals based on the closing out of

Congressman Murphy's cases." From 1981 through 1985, Representative Murphy shows payments of earned income from the France law firm for legal consulting fees and commissions totaling $8,550. Mr. France said he never hired or paid Mr. Murphy as a consultant (France deposition, pages 9, 35-36).

In April 1982, Representative Murphy again wrote to the Committee on House Administration, stating that Mr. France had requested that Representative Murphy join his firm as a consultant, and asking if he could continue to rent his district office from Mr. France. Representative Murphy's letter is itself evidence of a continuing relationship with Mr. France. Given the differences among the principals as to the true nature of the buyout agreement, it is unlikely that the Committee on House Administration was able to make an informed response.

Chairman Augustus F. Hawkins responded on behalf of that Committee, noting that the Committee's intention was -

> to discourage situations which might be characterized as self-serving, or which might appear to constitute the use of one's official position to receive, directly or indirectly, compensation or benefits.
>
> Under the circumstances described in your letter, it would appear that such a situation is remote. As long as the congressional office space and service are negotiated at arms-length and in good faith, and at rates comparable to other proximate rental properties, the Committee would have no objection to such an arrangement.

There was other information that the Committee on House Administration did not know at the time of Representative Murphy's two letters. The property was not owned by just Jack

France, but was owned jointly by Jack and Marlene France. Records of the Clerk of the House indicate that Mrs. France was paid more than $58,000 from August 1980 through January 1986 for services on Representative Murphy's personal staff. Mr. France was paid $3,600 in 1986 as an employee of Representative Murphy on the Education and Labor Subcommittee which he chaired.

The Committee on House Administration also had no way of knowing of the diversion of official resources to the law firm, or the fact that the law firm and adjacent congressional office were constructed in such a way that they almost seemed one building, with a single front and identical lettering prominently featuring Representative Murphy's name. Further evidence of a continuing professional relationship is the listing of Representative Murphy as an attorney at Mr. France's office address in the local telephone directory and Yellow Pages every year from 1979 until 1986.

Respondent finally asserts with respect to this count: "If there was no intent, no violation can be found." (Respondent's Objections and Answer, page 21.) Intent is not an element of this or the other offenses charged. Indeed, the Committee has found in a number of recent instances that Members had violated House Rules where intent was not at issue. See, e.g., In the Matter of Representative Richard H. Stallings, H. Rept. 100-382; Investigation of Financial Transactions Participated In and Transportation Accepted by Representative Fernand J. St Germain, H. Rept. 100-46; Investigation of Financial Transactions of Representative James Weaver with His Campaign Organization, H.

Rept. 99-933. Committee Counsel submits that there is ample evidence supporting this count for Committee consideration at a disciplinary hearing.

COUNT SIX

Respondent denies the charge that he retained Michael Corbett on the Subcommittee on Select Education notwithstanding the fact that he knew that Mr. Corbett did not perform duties commensurate with the compensation he received. Respondent's Objections and Answer (page 22) cites testimony by Mr. Corbett as indicating that Mr. Corbett "began" to take excessive leave in the summer or fall of 1981 and that his leave was "gradual." Further, it is asserted that Representative Murphy did not know Mr. Corbett's absences until the spring of 1982.

Records of the Clerk of the House indicate that Michael T. Corbett was paid $49,500 from March 1, 1981 until August 31, 1982 for service as Staff Director of the Subcommittee on Select Education of the Committee on Education and Labor, chaired at the time by Representative Murphy. Representative Murphy appointed Mr. Corbett to his position and signed payroll certifications each month that Mr. Corbett performed his assigned official duties.

Mr. Corbett admitted under oath that he was a "no show" after the first four or five months (Corbett deposition, page 26-31). He further indicated that during the time period in question, Representative Murphy lived at Mr. Corbett's house when he was in Washington (Corbett deposition, pages 36-37, 51). It is difficult to accept the assertion that Representative Murphy

did not know that the Staff Director who was supposed to be running the Subcommittee the congressman chaired, and with whom he shared a house when in Washington, was not around to perform his duties.

At a disciplinary hearing, additional evidence would be introduced, including sworn testimony that Mr. Corbett stopped performing his official duties within a few weeks after he assumed the position of Staff Director. The testimony would also provide further evidence that Representative Murphy was on notice as to Mr. Corbett's absence because the situation had been brought to the attention of both Representative Murphy and his Administrative Assistant on several occasions.

CONCLUSION

After objecting to and denying the allegations against him, Respondent represents that "there is little dispute about the 'facts' alleged" (Respondent's Objections and Answer, page 25). As Committee Counsel's response demonstrates, there is, apparently, a substantial dispute regarding the underlying "facts." Respondent offers no valid justification for any of the charges being dropped. The allegations raised against Representative Murphy are serious, and they should be viewed in their proper perspective. The appropriate forum for receiving all of the evidence is a disciplinary hearing.

Committee Counsel recommends that the Committee proceed with a disciplinary hearing on all counts as provided by Committee Rules.

Respectfully submitted,

Mark J. Davis
Committee Counsel

October 20, 1987

APPENDIX E

JULIAN C. DIXON, CALIFORNIA, CHAIRMAN
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DISCIPLINARY HEARING IN THE MATTER OF
REPRESENTATIVE AUSTIN J. MURPHY, JR., RESPONDENT

STATEMENT OF SCOPE AND PURPOSE

On September 23, 1987, the Committee adopted a Statement of Alleged Violations against Representative Austin J. Murphy, Jr., a copy of which is attached.

The hearing shall be conducted in accordance with Subpart B (Disciplinary Hearings) of the Committee's Rules of Procedure. The first phase of the disciplinary hearing shall be limited to a determination of whether or not the counts in the Statement have been proved, in accordance with Rule 16(a). The burden of proof rests on the Committee's staff with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that it introduces. Evidence will be limited to that which is relevant to the charges raised in the Statement of Alleged Violations. Pursuant to Committee Rule 20, the Chairman or presiding Member shall rule on the admissibility of evidence.

Should the Committee find that any or all of the charges against Representative Murphy have been proved, the second phase of the hearing will be conducted to determine what disciplinary action should be recommended to the House. Conducted in accordance with Rules 16(f) and 17 of the Committee Rules, this second phase shall consist of oral and/or written submissions by Committee Counsel and counsel for Representative Murphy as to the sanctions the Committee should recommend. Pursuant to Rule 16(f), testimony by witnesses will not be heard during the second phase except by a vote of a majority of the Committee.

The scope and purpose of this hearing is to resolve the allegations contained in the Statement of Alleged Violations.